

INDO-US SHADOW OVER PUNJAB

INTRODUCTION

International Human Rights Organisation (IHRO) understands that the whole area of human rights has been politicised worldwide. It is now all about spheres of influence and trade contracts. However, we in IHRO appreciate the concern shown by the US Congress and the British MPs, who had visited Punjab and Kashmir on their 'fact-finding' mission and informed their parliament about the grave human rights situation in these two sensitive states. No wonder, Amnesty International and other international human rights groups are allowed to visit these areas.

IHRO is concerned over the near collapse of India's political set-up. Democracy is under great strain in India. Major organs of State that sustain democracy such as impartial and fearless judiciary, an independent press and conscientious legislature are on the retreat. The judicial system in India has virtually collapsed. There is no rule of law. Democracy is a thing of the past. State repression is the only voice one hears in this police state. A fair trial is not possible in Indian courts. The police are law unto itself. There have been cases where the security forces not only flouted the orders of courts but have actually shot at court officials who went to get the release of persons illegally detained by the police. This situation of lawlessness is particularly disturbing in the Punjab and Kashmir.

There is an unabated crackdown on the Press. Harassment of editors and other journalists and seizure and destruction of newspapers have become a routine affair in India. Fifty journalists in Kashmir were arrested while they were holding a sit-in to protest against anti-press policies of the government. In Punjab, the police confiscated thousands of copies of leading national dailies. Regional newspapers have been state's special targets. There is an undeclared censorship on the press particularly in this part of the country.

The Press Council of India (PCI) has been working as the fifth column. It whitewashed the excesses including rapes committed by the armed forces in Kashmir. The PCI went to the extent of justifying the restrictions imposed by the government on the press in Punjab and Kashmir, despite the seizure of newspapers, police harassment and repression against the non-conforming newspapers and journalists. Numbers of journalists have been killed, threatened or put behind bars because of their activities as journalists and human rights activists.

The ruling class to maintain themselves in power treats genuine struggles in minority regions as law and order problem and hence they always talk of a military solution. Martial law has been introduced under the cover of providing aid to civil duty. Thousands of Sikhs and Kashmiri Muslims have been killed in blatant violation of laws. Lawless laws have been enacted and made applicable to Punjab and Kashmir. The pity of the matter is that judiciary generally thinks is expedient to live with these laws.

False encounters have become a way of life with the police and other security forces. Indescribable methods of torture have been put to practice. The several thousand men and women were rotting in jails and torture centres established by the security forces. The entire system has become brutal.

New Delhi did not pay any heed to the UN recommendations to review its anti-terrorist laws that violated international covenant on civil and political rights. These special laws according to the UN Human Rights Committee, gave security forces the right to shoot at sight, conduct summary trials and detain persons without a warrant.

Despite UN's recommendations, India did not ensure even one conviction for the violation of human rights in hundreds' cases involving killings of innocent persons and other excesses against civilians. Most often, the registration of cases was designed as means to neutralise outside pressure rather than to punish the wrongdoer. Often the Government of India publicly honours such wrongdoers.

"To humble and humiliate any community, rape its women" (Hitler's Secret Conversations 1941-44). The report by Amnesty International entitled 'India-torture, rape and deaths in custody,' claim that such incidents are "pervasive and a daily routine" in every one of India's 25 states.

This book contains number of such reports that pertain to allegations of mass repression, humiliation, rape and torture. 'India dishonours Kashmir' pertains to such incidents including mass rape during crackdown operations by the Indian Army. Another report 'The Rape of Sikh Women' describes how Indian armed forces gangraped and molested women of Sangha village in Punjab. Three CRPF personnel at gunpoint raped a 17-year-old unmarried girl. They also sexually assaulted her mother and aunt. The crippled father of the girl remained a hapless witness to all this. Army Brigadier Sinha had earlier threatened the villagers that "all male members will be killed and their women's folk taken to army camps to breed a new race" if there was any militant activity in their villages.

This senseless conduct of the Indian armed forces portrays the attitude and behaviour of occupation forces such as Nazis in Europe during the worst days of occupation after the last world war. When authorities controlling the wrong doers ignore or condone their subordinates' conduct, they assume to themselves all responsibility for the misdeeds committed by the law enforcing agencies.

The reports in this book also clear up the working of the minds of the Indian ruling class vis-à-vis their subjects. These minds are utterly dehumanised, polluted and filled with mountains of hatred towards persons of "other faiths." The zeal for retaining India in one piece appears to be demanding a heavy price with morality, civility and decency.

The events narrated in the first quarter report of 1991 'Chander Shekhar's multi-pronged offensive in Punjab' show how the Central government formulates policies about Punjab. One aspect of the policy has been to step up military and police initiative. It was in Chander Shekhar's time that after 1984-85, the Army in sizeable strength was deployed and the Press was straightjacketed in the state.

This volume is a compilation of various IHRO investigation reports and a narration of national and international events concerning human rights. Divided into eight parts, the volume also covers several important incidents of violence occurred during 1991.

This book is likely to prove a revelation to those who view India as a democratic, civilised and tolerant society with its own self-propelled mechanism of checks and balances. Baselines of this premise is evident from the failure of the Indian state to hold any credible inquiry into the glaring cases of human rights violations much less punish the guilty.

We, therefore, call upon the world public opinion to raise the matter with their governments, in the UN Security Council or before the UN commission on human rights. Amnesty International and Asia Watch have already set the process in motion. In this regard, the US Congress's decision to amend the US Foreign Aid Appropriation Bill to provide for a reduction in country's external development assistance principally aimed at India for its human rights abuses in Punjab and Kashmir, is a welcome step.

Ludhiana
July 18, 1992

D. S. Gill
Chairman IHRO

CHANDER SHEKHAR'S MULTI-PRONGED OFFENSIVE IN PUNJAB

A IHRO WATCH- JANUARY 1991

Amnesty International (May 9) urged all parties running in India's upcoming national elections to commit themselves to ending the rampant human rights abuses that had gone unchecked in the northern state of Punjab for at least seven years.

The Amnesty International has sent its latest report documenting widespread arbitrary arrests, torture and killings in Punjab directly to the leaders of all major parties in the elections. The report, which includes detailed recommendation on ways to stop the abuses, was sent earlier to the government.

"The already critical human rights situation is going to get worse unless the new government orders its forces to stop the abuses. Those police and security force officers who secretly arrest, torture or extrajudicially execute people must be brought to justice, and the special powers that have led to such abuses must be curbed.

Punjab's unacceptable laws

"The serious human rights violations in Punjab have persisted under three governments that have set the stage for the widespread abuses by passing the grossly unfair 1987 Terrorist and Disruptive Activities (Prevention) Act and letting extreme violations like torture and killings go unpunished.

"The government recently even changed the criminal code effectively granting all police and security forces' immunity from prosecution for any action they take on official duty in Punjab and other states that are under the president's rule.

"Despite recent official orders to release an unstated number of Sikhs detained in Punjab on minor charges, well over 10,000 Sikhs are being held in the state without any chance of even getting a trial under sweeping anti-terrorist laws- laws which members of the UN Human Rights Committee recently called "disturbing" and "completely unacceptable."

"People are often picked up by police, tortured or "disappeared" on the slightest suspicion that they have ties with armed Sikh secessionist groups.

"Suspected government opponents are routinely tortured in police stations and detention centres. Hundreds of them are being held in secret detention, and the legal steps, relatives and others can take to find them, have been totally ineffective in locating many victims. Police and security forces have often flouted orders that they bring detainees before a court.

"Relatives of suspected opponents, including women, have also been targeted for arrest and torture- some have been arrested 30 or 40 times. A 17-year-old girl whose father and brother were already in jail was reportedly beaten and raped by the police. Women have been detained by police and tortured for giving food and shelter to Sikh militants.

"Hundreds of Sikhs have been killed in fake shoot-outs staged by the police, called "encounters." In one case, the authorities also incited the killing of some 50 `terrorists' by offering a reward for their deaths. Such extrajudicial killings are part of the approximately 4,000 political killings by government forces and armed opposition groups last year alone."

The young lad disappears

"Torturing and murdering prisoners can never be justified by governments or opposition groups. Many thousands of people detained under the 1987 anti-terrorist act are held for months or years without going to court."

"Increasingly, people are kept in secret detention and others just disappear after their arrest. A 15 year old boy, for example, taken from his home by police back in 1988 has not been seen since.

"Sometimes police say that someone has 'escaped' to cover up the fact they are hidden in a secret detention or have been killed.

"Under the anti-terrorist law, people can be detained for up to a year without charge or investigation into loosely defined charges, and face a minimum of five years in prison if convicted of broadly defined 'terrorist' or 'disruptive' activities act in-camera trials where the burden is on them to prove their innocence.

"Victims and human rights groups (IHRO) say that people are hung from ceilings and beaten, heavy iron bars are rolled on their legs, their genitals are beaten and chilli powder is forced into the rectum.

No action for any abuse

"Officials have admitted in the media that torture takes place, and two official inquiries have found evidence to back that up, but nothing has been done to stop the torture or to bring the torturers to justice. A 1986 inquiry named 21 police officers, who tortured detainees. Yet five years later none of them has been disciplined. In fact, no police or security force personnel at all the known to have been convicted of human rights offences in the past five years."

"Most 'encounter' killings are never investigated, despite criticism of these killings by both the Supreme Court and the governor of the State."

"While 41 police officers have died in reported 'encounters' in the past two years, more than 644 alleged insurgents were killed. If both sides in these 'encounters' were armed one would expect more police officers to have died as well."

In its report, Amnesty International recommends action to stop arbitrary arrests, torture and extrajudicial killings including by establishing an independent body to act upon substantive reports of such abuses, prohibiting detention in secret centres and keeping records of everyone arrested. It says all allegations of torture and killings in 'encounters' or 'escapes' should be investigated and those responsible for human rights violations should be brought to justice. The government should thoroughly review the anti-terrorist laws and make them comply with International human rights standards.

Amnesty International, which has been denied access to Punjab by three successive Indian governments, again called on the authorities to allow it to visit Punjab and other areas of India to investigate human rights violations.

To pressure the Indian Government not to block efforts of human rights monitors from outside India Member of Congress Dan Burton introduced a bill to stop development assistance to India on grounds of human rights violations in the 102 sitting of Congress of the United States.

The following is the abridged letter Dan Burton circulated among Members of Congress:

"Last year, I introduced legislation (HR 4641) to terminate development assistance to India until their government permitted human rights organisations, like Amnesty International, to enter India to monitor human rights.

"Unfortunately, human rights organisations are still banned from working inside India and reports of human rights violations continue.

The US concern for Punjab

"White I hope that Prime Minister Chandra Shekhar can bring peace to India, there can be little progress until all groups inside India regain the basic freedoms that people all over the world are striving for. This goal may be impossible as long as India continues to bar human rights organisation, like Amnesty International, at its borders.

"It's time to focus the world's eyes on India's human rights record. That is why I have decided to introduce legislation, identical to H R 4641 in the 102nd Congress. If the so-called world's largest "democracy" is too fragile to withstand the scrutiny of groups like Amnesty International, then they are not deserving of our financial assistance."

Despite expression of international concern, Punjab Human Rights Organisation regularly receives information of abductions and illegal detentions of the Sikhs at the hands of police and paramilitary forces in the state of Punjab on the mere suspicion of being members or sympathisers of the Sikh militant groups advocating a separate Sikh State- Khalistan. In some cases the detainees are eventually found to have died in custody, in others they are found to have been deliberately killed in custody. The official reports claim that they died in armed 'encounters' with the police. A large number of detainees are kept in illegal custody for weeks and sometimes months. Effort of IHRO is get them produced in courts or secure their release more often prove abortive. Even appeals to Government of India from international organisations like Amnesty International and UN Centre for Human Rights have failed to provide any relief to the victims.

DGP attacked: 200 picked

It was in the wake of the attack on Director General of Punjab Police, D. S. Mangat, by certain separatist militant groups on 2 February 1991 at Ludhiana that the police picked up about 200 Sikh youths from Ludhiana district alone during February 1991. Dozens of them were kept in illegal custody for days together. Numerous others were subjected to humiliation and torture. The police just to 'show results' liquidated some of them.

The case study at hand concerns the killing of IHRO Vice President, Dr. Gurbachan Singh Mavi's son, Atamjit Singh, by the police. Dr. Mavi is a senior Professor of Entomology at Punjab Agricultural University (PAU), Ludhiana.

Atamjit Singh, 19 year old B.Sc.-I student of Arya College, Ludhiana, and Mohan Singh, 22 year old B.Sc.- III student of the same college from Araich village were reported having been picked up by Ludhiana police on 5 February 1991 from Bhai Bala roundabout in the city and seen to be taken away by a Deputy Superintendent of Police (DSP) and a Police Inspector.

The IHRO took up the matter and sent telegrams to the Chief Justice of the Punjab and Haryana High Court, and Punjab Home Secretary seeking their intervention in the case of disappearance of the boys at the hands of Ludhiana police. The organisation also constituted a team comprising D. S. Gill, Mohinder Singh Grewal and Gurbhajan Singh Gill to inquire into the matter.

The IHRO investigation team met parents and relatives of the victims. It also visited the spot where abduction took place and talked to several persons including Sardari Lal, a cycle- repair shop owner, Sohan Lal and his son Raju, tea-stall owners, Tara Chand, a school teacher and Ram Singh Sohi, a landlord who also owns real estate business. The statements of those who witnessed the incident that occurred some 150 yards away from the Criminal Investigating Agency (CIA) headquarters, Ludhiana, were recorded.

IHRO activist's son killed

In the meantime, the organisation through its UK office, informed International Secretariat of Amnesty International took the initiative and wrote to Minister of State for Home Affairs, Subodh Kant Sahay and Governor of Punjab, retired General O P Malhotra, on 13 February 1991 expressing concern about the "disappearance" of Atamjit Singh and Mohan Singh. While seeking assurances from the Indian authorities that the young persons would be humanely treated in police custody, Amnesty International urged them to produce the boys before a magistrate and grant them immediate and regular access to lawyers and relatives. AI also urged that the victims should be released or tried under ordinary procedures of criminal law if there were specific criminal charges against them. The Amnesty sent copies of the appeals to DGP Mangat.

According to the IHRO investigation team, Atamjit Singh was going by a bicycle along with Mohan Singh near Bhai Bala roundabout at 10.45 AM on 5 February 1991. While negotiating the roundabout, they were forcibly picked up by a CIA police team led by DSP Shiv Kumar Sharma and Inspector Manmohan Singh in full view of the public. The police personnel came in a Gypsy jeep with no numberplate and a private brown Matador van with registration number DL-3C-3066. The hands of both the boys were tied at their backs with their turbans and they were taken away in the Matador van. Their bicycle was parked in front of a Dhaba

(eating-place) by the police party and the Dhaba owner was asked to take care of it. A CIA constable took the bicycle away later in the evening.

Since the abduction took place in the busy area of the city, over a hundred persons who happened to be there at that particular point of time naturally witnessed it. Many students from the nearby colleges saw Atamjit Singh and Mohan Singh being picked up by the police. Since the CIA staff headquarters are located nearby, the shopkeepers of the area had no difficulty in recognising DSP Shiv Kumar Sharma and his persons.

The inside story of Atamjit's abduction

The IHRO investigation revealed that the Matador van had forcibly been taken into custody by the CIA staff days before 5 February and was returned to the owner of the van on 7 February after it had met with an accident. A delegation of members of the Punjab Agricultural University Teachers Association (PAUTA), along with Vice Chancellor of the University, met Governor Malhotra on 11 February as the Ludhiana police were maintaining silence over the matter. The Governor promised to look into the matter and let them know the whereabouts of the two boys.

On 12 February, the Ludhiana police chief Anil Kumar Sharma made a statement that neither of the two young Sikhs was in police custody. He categorically denied that the police ever wanted the boys in any criminal case. A few days later even the Governor publicly denied the unacknowledged arrest of the boys by the Ludhiana police.

Meanwhile the IHRO team came across a person who was in a way connected with this incident. He disclosed on condition of anonymity that the students were killed at Nasrali village in Khanna Sadar Police Station area on the night of 5 February after they were abducted from Ludhiana in the forenoon. The police, he revealed stage-managed an encounter and shot them dead in cold blood. The police story that Ludhiana CIA and Khanna Sadar police parties had killed two unidentified militants in an armed encounter was false and fabricated, claimed the person.

To check the veracity of the facts disclosed by the above person, the IHRO team arranged to collect the First Information Report (FIR) of the Nasrali incident and copies of the post-mortem reports of the dead bodies from Judicial Magistrate, Khanna.

According to FIR NO 26 of 6 February 1991 lodged at Sadar Police Station, Khanna, the Ludhiana CIA police party, comprising Inspector Manmohan Singh, Assistant Sub-Inspector Tilak Raj and 20 head constables and constables and aided by Khanna Sadar police party led by Sub-Inspector Sant Kumar and including Assistant Sub Inspectors Rattan Singh and Dilbagh Singh were on a petrol duty at a bridge near Nasrali village. At about 12:30 a.m., two unidentified Sikh youths were seen advancing towards the police posse on foot. They were warned by Inspector Manmohan Singh not to continue any further but the two persons, instead started firing at the party. The police returned the fire in defence and during the armed encounter, both the youths were killed.

The police claimed to have recovered some arms and ammunition from the person of the dead.

Bid to cover up the crime

The FIR and post-mortem reports of the unidentified dead bodies were shown to the parents of Atamjit Singh and Mohan Singh by the IHRO. The parents asked the police to show them clothe and photographs of those killed in Nasrali "encounter." The police showed them the clothes but not the photographs. The clothes, of course, were not of their wards. On March 7, 1991, the parents wrote to Deputy Inspector General of Police R. S. Gill seeking instructions for the Ludhiana police to show them the photographs but to no avail.

The IHRO, in its investigation report on 26 February, 1991, claimed that during the investigation it had come across a strong evidence to conclude that Atamjit Singh and Mohan Singh, after having been abducted by CIA police from Bhai Bala roundabout, were first taken to CRPF Interrogation Centre, Dugri and then to Sadar Police Station, Khanna. It was from

there that they were taken to the site of the alleged encounter where they were murdered in cold blood. DSP Shiv Kumar Sharma supervised the whole operation.

The inquiry team also concluded based on facts it gathered that the boys were liquidated clandestinely. To suppress the identity of the victims, not only were their clothes changed before killing, but even the photographs of the dead were also tampered with after the crime.

Professor's demand turned down

The PAUTA President Dr. Hari Singh Brar, in his letter of 8 March 1991 to the Governor, affirmed that the information collected by PAUTA was similar to the one revealed by IHRO in its report. He demanded a judicial inquiry into the incident by a sitting judge of the High Court. PAUTA also made frantic inquiries from the law enforcing agencies. Despite all this, the Punjab Government run by the Centre through its agent Governor Malhotra showed callous indifference. Neither did it come out with the facts of the crime nor did it agree to institute a judicial inquiry, a statutory obligation of the government.

The IHRO, on its part, censured this callousness on the part of the administration and demanded immediate suspension of Ludhiana police chief and other officials guilty of the crime. It also demanded a judicial inquiry into the matter.

Instead, the Ludhiana police raided the home of Mohinder Singh Grewal, advocate, an IHRO activist, on 3 February 1991. It is felt that the raid was conducted because Grewal is related to Sukhminder Singh Sandhu now awaiting extradition in a New York jail for the alleged murder of General A. S. Vaidya (who was responsible for launching an army attack on the Golden Temple in 1984). Sukhminder Singh Sandhu is the first cousin of Grewal. Mohinder Singh Grewal has been one of the investigators of the police crimes and was evidently targeted for exposing the police officials' actions.

IHRO has been in the forefront highlighting at international fora the arbitrary police functioning in Punjab. Police's high-handedness against IHRO officials bears testimony to the fact that Punjab police have no regard for human rights. The killing of Atamjit Singh whose father is Vice President of IHRO, and the raid on Grewal's house, undoubtedly, is an attempt by the State to stifle the voice of the IHRO.

We, in the IHRO, make fervent appeal to the international human rights agencies to take note of those murders and pressurise the Government of India to stop violation of human rights and to see reason.

Two more youths killed

On the fateful night of February 5, two more youths were shot dead by the police in Ludhiana district. They were identified as Gurpreet Singh Khalsa (son of Gurcharan Singh) and Sohan Singh (Son of Sarwan Singh) both residents of Dakha village, about 18 kms away from Ludhiana. IHRO deputed two of its activists, Dr. Balwant Singh and Dr. Labh Singh, to go into the killings. The two-member team visited Dakha village, met Sarpanch Gurdev Singh and other members of the village panchayat. They also talked to the next of kin of the deceased.

According to the team, more than 1000 police and paramilitary personnel laid siege of Dakha village and searched every house early in the morning of January 31. DSP Gurmeet Singh Randhawa who announced that all persons in the age group 13 to 40 to collect in the Dakha college grounds led the party. The police screened persons and picked up 14 of them. Five women including Charanjit Kaur (spouse of the deceased Sohan Singh) and his other Chand Kaur and Kulwant Kaur (mother of the deceased Gurpreet Singh Khalsa) were also rounded up and taken to Dakha police station by its SHO R. S. Bhullar.

People's action to save women

Early in the morning the Gurdwara priest announced that all people of the village should lay siege of the Dakha police station. The villagers also sent messages to the neighbouring 22 villages. More than 10,000 people laid a siege of the police station and blocked the traffic on Ludhiana-Ferozepur road at Mullanpur. The police were compelled to release all the persons before the blockade of traffic was lifted in the afternoon.

Professors saw the other two in custody

Seven youths had been absconding from the Dakha village. They had joined the ranks of Khalistan Commando Force (Zaffarwal). They were operating in this area. They often used to visit the village at night. When the police were to lay siege of the village on that night, the police outside the village detained four "boys". Among them were Gurpreet Singh and Sohan Singh. The villagers then did not have any knowledge of their unacknowledged arrest. Both were shown killed on the night of February 5 on the outskirts of Dakha village. They were killed in cold blood in police custody.

The other day two professors, Dr. Hari Singh Brar and Dr. A S Sohi, from the PAU, Ludhiana, went to Dakha Police Station to enquire about the previous night's killings as they feared that Dr. Mavi's son might not be among those killed who earlier in the day was picked up by the police from Ludhiana. The Dakha police disclosed that the killed were from Dakha village.

The professors had an opportunity to see two other boys in the police station, who informed them that the police also arrested them along with Gurpreet Singh and Sohan Singh on the night of January 31 from outside the village. Two of them, they revealed, had been shot dead. They requested the professors to do something for them. Their fate and whereabouts are still unknown.

The deceased's house ransacked

Kulwant Kaur, the mother of Gurpreet Singh Khalsa, disclosed to the investigation team that the police party headed by DSP Gurmit Singh Randhawa had seized two gold rings and Rs 3500 during the raid and search of their house on that night.

Torture and death of Babbar Khalsa activist

On December 31, 1990, a Babbar Khalsa activist Parwinder Singh Ropar was arrested by the BSF from Nathwal village near Batala town of Gurdaspur district. He was taken to Beco Interrogation Centre where he was severely tortured. Next morning he died of fatal injuries. The IHRO demanded a judicial inquiry into his death. Several other social and political organisations also sought a judicial inquiry. The inquiry is still awaited.

In yet another case Surinder Singh (24) of Mangat village in Ludhiana district, who was found in illegal detention at Basti Jodhewal police post in Ludhiana was recovered from there by a warrant officer appointed by the Punjab and Haryana High Court on December 22, 1990. Mr. Justice G. S. Chahal ordered medical examination of the youth as his father Avtar Singh, in his Habeas corpus petition had alleged that his son was tortured in the police custody. The medical examination revealed that there were 15 injuries on the body of Surinder Singh. Some of the injuries, as old as 15 days or little more, had healed. He was then admitted to the Sector 16 General Hospital, Chandigarh.

While he was being taken to Chandigarh by the warrant officer, R. L. Bhatia, police officers chased him with a probable intention of picking him up again. Maruti Van followed the bus in which he travelled along with the warrant officer. He requested the warrant officer to take care of him as he apprehended danger to his life from the police officers whom they spotted at Chandigarh bus stand also. The Judge heard the petitioner again and ordered the government to provide security to him.

Sant Kumar, the kingpin

IHRO headquarters received a telegram that Jasbir Singh alias Kala was picked up from Doraha town on December 31 last by Samrala CIA police party headed by Inspector Harish Chander. His father Nirmal Singh had been arrested by Khanna Sadar Police Inspector Sant Kumar the same day from his home and taken to Khanna. Telegrams to this effect were also sent to Chief Justice of Punjab and Haryana High Court and Home Secretary seeking their intervention. While Nirmal Singh was set free on January 3, his son was kept incommunicado.

Jasbir Singh feared killed

Nirmal Singh wrote to the SSP, Ludhiana, alleging abduction of his son Jasbir Singh by the Samrala police. A similar request was also made to SP (Detective). In the meantime, more than 60 residents of Doraha represented to the district authorities but no one cared. They have now become desperate. The parents suspect that the police have liquidated their son.

Apart from these cases, we have a typical case where a truck driver was killed by Inspector General of Police's son and his police guards merely because the driver failed to give way to the speeding vehicles of the police officer's son.

Mass demonstrations at Khanna by the public following the death of Hardeep Singh (22), a truck driver of village Mahaun, District Ludhiana, resulted in four more deaths and twenty injured at the hands of the police. International Human Rights Organisation asked its activists D. S. Gill and Mohinder Singh Grewal to go into the matter. They, in turn, co-opted Devinder Kumar Punj, Ranjit Singh Sekhon (President, Bar Association) and Swaran Singh Sandhu, all three advocates of Khanna, for the purpose.

The team met a cross section of the public including Hardeep Singh's father Gurmail Singh, Brother Agya Singh and the cleaner of the truck, Harjinder Singh.

The incident took place at about 1.40 p m on January 6, 1991, near Khanna. Hardeep Singh was driving his truck (PBV-7767 TATA) on way from Gobindgarh to Phagwara. A car (PIQ-3587 Maruti) was following the truck and was evidently seeking to bypass it. A green coloured Contessa car was behind the Maruti.

Drivers killed for not giving way

According to the First Information Report (No 6 dated January 6, 1991, lodged by cleaner Harjinder Singh at 3.50 PM in police station, City Khanna) the occupants of the Maruti drove fast and parked their car in front of the truck on which the truck halted. A Congress (I) politician Malkiat Singh Birmi, a Special Police Officer Santokh Singh, driver Buta Singh and a Punjab Police Constable Jagmail Singh pounced upon the truck driver, started beating him as punishment for his failure to give way. Malkiat Singh, then, ordered the police officers to fire at Hardeep Singh and Santokh Singh fired upon him. The truck cleaner took Hardeep Singh to the Khanna Civil Hospital where he succumbed to his injuries.

The IHRO investigations show, however, that the FIR contained a few inaccuracies. The occupants of the Maruti included Harinder Singh alias Gurinder Singh, a son of Mahal Singh Bhullar, Inspector General of Punjab Armed police (PAP) Jalandhar. When the Khanna police came to know that an IGP's son was involved in the murder, it started dragging feet on registering a FIR. One of Birmi's security guards telephoned from Messrs. Chaudhary Filling Station, Khanna, to inform Bhullar of the incident. Bhullar rushed to Khanna and reached there at about 5:00 p.m. He, later, stayed for the night with a local Congress (I) leader, Karam Singh Gill.

When the police dragged feet on registering the FIR, people started gathering. In half an hour about 1000 persons gathered and started shouting slogans against the police. The demonstrations continued until late in the evening.

Terrorising the whole town

To smuggle out the IGP's son from the besieged police station, the Station House Officer (SHO) of Sadar Police Station, Sant Kumar, who was present at the City Police Station, ordered the use of force to disperse the crowd. Half-a-dozen eyewitnesses present in the police station then told the IHRO team, that Sant Kumar's order to fire upon the protesters was quickly carried out resulting in the death of four persons. Interestingly, the police instructed forces deployed all over the city to start firing, so that a climate of terror was created and the people were forced to withdraw indoors. The firing orders were carried out by the pickets posted at the main gate of the police station, City, from top of the Deorhi, from opposite the police station, near the Civil Hospital, from Lalheri Road, Railway Crossing, Malerkotla Square, opposite the State Bank of India, and at the Telephone Exchange. Because of the firing near the exchange Building, one Lal Chand sweeper was killed. He was the only bread-earner of his family that included his blind parents and a crippled brother. Lal Chand was married only about

a month ago. One Sadhu Singh was killed in front of the police station, City. He belonged to village Panjrukha.

IGP's son let off

Why the public was agitated? It was because, first, the police would not record the FIR. Second, they would not include the name of the IGP's son among the culprits. Third, the other culprits were being allowed to roam about inside the police station rather than being put inside the police lock-up.

The IHRO team was also informed that the police registered a case for attempt to murder and under the Indian Arms Act against Baljit Singh son of Mohan Singh of Bharsinghpura in Jalandhar district and half-a-dozen others who were leading the protesters. Those included Harnaginder Singh, Tarlochan Singh and Gurnek Singh, headman of Mahaun village. The FIR was registered on behalf of Harjinder Singh after the firing started all over the City and the IGP's son had been taken away. The police did not include the name of Bhullar's son in the FIR.

Cremation assembly banned

Next day, at about 9:0 a.m., about 300 persons from the deceased's village came to the Civil Hospital to pick up the dead body for cremation. Instead of allowing taking away the body for the cremation, an armed posse of police officers (about 30 in number) led by Police Inspector Sant Kumar started beating the villagers with canes. Similar beating was resorted to other groups of sympathisers of the deceased, on their way to hospital at village Rattanheri by the police parties led by Deputy Superintendent of Police Param Raj Singh Dhaliwal and Inspector R S Bhullar; and later at village Dalheri by the police party headed by Sant Kumar who also picked up Master Harjit Singh.

People protest, despite heavy odds

Even the villagers who were on their way to village Mahaun to attend the funeral were not spared. They were harassed and threatened with dire consequences, in case they attended the cremation.

The incident of Khanna reveals the following:

1. Punjab is a full-fledged Police State where the police officers and the ruling politicians combine to kill people with impunity at the slightest provocation.
2. The police protect and let off scot-free its own friends and relations, however seriously guilty they may be, of any crime.
3. The people, far from being demoralised, are conscious of their rights and are not deterred from protesting, despite the heavy odds.

A IHRO WATCH February 1991

The United Nations indicted India for human rights violations and state repression on the Sikh community in Punjab in its report brought out lately.

The lengthy report, prepared by the Centre for Defence of Human Rights, Geneva and titled "Violation of Human Rights in India," was forwarded by the United Nations (Centre for Human Rights) to the Indian permanent mission in Geneva. In a letter dated April 4, the deputy secretary in the external affairs ministry, Ajai Malhotra instead of seeking verification, wrote to the ministry of home affairs asking for "facts and material to counter the allegations."

The Punjab government was asked by the home ministry to furnish a reply to the UN report within "this month."

The report citing seven specific cases of human rights violations, has observed in its introductory note: "It provides a lamentable catalogue of the atrocities being committed by the government of a country which prides itself on being the largest democracy in the world. Those who have an intimate association with Punjab, know too well that as the Indian authorities fail to contain the militant elements in the Sikh community. They are resorting to state terrorism of the worst kind to suppress a brave community and its just aspirations."

UN criticises India's human rights record

Observing that not a single Hindu has been detained under the draconian laws introduced in the state (Punjab), the report goes on to ask: "Is there one law for the minorities and another for the Hindu majority? Can a Hindu never be a militant, terrorist, or secessionist under Indian law? Is the mass murder of Sikhs, rape of Sikh women and pillage of Sikh properties in the post-Indira Gandhi assassination riots to remain unpunished under India's secular laws?"

The report then goes on to ask, "Will the international community never speak out against these outrages?" It observes: "Under this climate it is not, therefore, surprising that Sikhs have lost out entirely in the propaganda war which the government of India has been waging relentlessly as a cover up for its dastardly record on human rights and to malign a brave community."

Punjab, a Police State

Taking serious note of the draconian laws in the state, the report says the "notorious" National Security Act was being used to curb all legitimate opposition and to hold without charge or trial an indefinite number of Sikhs and members of minority communities whom the government was finding "Unpalatable." "The Terrorist and Disruptive Activities (Prevention) Act of 1987 is being indiscriminately used to deny fundamental rights and legal safeguards to detainees and defendants. Allegations of torture, deaths in custody and "disappearances" are a commonplace. Punjab is a police state where all civil and legal rights have been abrogated and extra-judicial killings in false police encounters are the order of the day."

Taking exception to the "frequency" in amendments in the Indian Constitution, the report observes that whereas in the 213 years since its declaration of independence, the United States of America amended its constitution only twelve times, India has done so with its constitution 64 times. (The report was prepared before the 65th amendment was passed last April.)

Police re-arrest the under-trials on bail

The report has cited the "Justice Sodhi report" of February 1989. It observes that during S. S. Ray's regime many of the 780 under-trials in the high security central jail at Amritsar had, before their formal arrest, been illegally detained by the police for a couple of weeks, tortured and money extracted from them. Several also alleged that they had been falsely implicated.

The under-trials also complained that when they were granted bail by the court, the police would re-arrest them in new cases. Little wonder, that many under-trials chose not to leave the jails as they could not meet the demands for money made by the police. Justice Sodhi had thus observed in his report 'delay blurs the distinction between acquittal and conviction that is most unfortunate."

Pregnant woman, too, raped

Other specific examples included that of a woman being released after torture by the Valtaha police in Tarn Taran last July, the wives of two Babbar Khalsa militants being tortured by the Batala police, an abducted woman being raped by the police in Tarn Taran police district, a pregnant woman being raped by the BSF in Batala police district and three school going children being tortured by the Punjab police at Amritsar.

This year British MP Terry Dicks reprimanded the Indian Government at a function organised on February 16 at San Jose, California, USA, to honour him with the Sikh Heritage Award for 1990.

The British MP, in his speech, said: "The Sikh heritage is under threat and we cannot be silent spectators to this. The rape of Punjab and the murder of young Sikhs should not be tolerated."

He had travelled thousands of miles, speaking to politicians, lawyers and businesspersons in Europe, Canada and USA. According to him, self-determination for the Sikhs is a logical outcome of the assurance given by the Hindus to the British in 1947 that the right of self-determination to the Sikhs would be recognised.

British MP reprimanded India

The following are extracts from his speech:

“As a British Member of Parliament, I have spent nearly eight years getting to understand and share in the concerns of some eight thousand Sikhs in my constituency. Like them, I am extremely worried about the way their families, their values and most importantly, their religion, are being threatened in the Punjab. The Sikh heritage is under threat and we cannot sit back, wring our hands and do nothing.

“It was in the summer of 1985 when I first became actively involved with the Indian government over the Sikh issues. The wife of a constituent of mine, who was a Sikh but who had lived much of her life in East Africa and held a British passport, was detained as she was about to board a plane in New Delhi, to return to Britain.

UK Sikh woman held for no crime

“She was carrying a newspaper that contained details of her daughter’s wedding that she had taken to show to her relatives in India. Unfortunately, also contained in that newspaper was an advertisement showing a meeting of the Sikh Youth Organisation.

“The Indian government claimed that she had been showing this subversive material to her relatives. As most of you probably know, I had a disagreement with the Indian home affairs minister who, first, asked me for a gift. When I refused to provide one, he said he knew nothing about my constituent. This, despite the fact that only a few months before, she had stayed as a guest in his family home. His reaction to my refusal to pay him was to order me to leave the country.

“When I raised this issue on the floor of the House of Commons, the overriding concern of the British government was not to offend the Indians and nothing further happened. Indian friends have been kind enough to say that because of the pressure I brought and the publicity surrounding the case, the Indian government was forced to release this woman within three months of my visit.

“As a result of my actions, many Sikhs approached me to bring to my attention the persecution of the Sikhs that was taking place in the Punjab. I was appalled to learn of the way the Sikhs were being treated and the conditions in which they were expected to live. The horror stories were too detailed and the grief too widespread for these stories not to have been genuine.

“The rape of young women, the beating of old men and the murder of young boys cannot and should not be tolerated. The British have a unique responsibility to the Indian people and to the Sikhs in particular.

“In 1947 when India obtained its independence, it was the British who accepted a guarantee by the Hindus that the self-determination of the Sikh people in the Punjab would be recognised. It was on that basis that the British Government granted India its independence.”

Terry Dicks had earlier urged Sir Geoffrey Howe, the Secretary of State of Foreign and Commonwealth Office in Britain to bring pressure to bear on the Government of India to check human rights abuses in Punjab.

The British MP, in a letter on June 29 to Sir Howe said, “young male Sikhs are being brutally attacked whilst female Sikhs are being beaten and raped by members of the police and military forces in the area. Many active Sikhs are being taken away and are never seen again, while others are locked away in prison, some for years, awaiting an appearance before a court.

India compared with South Africa

"I know that if the same kind of atrocities were being committed by the white South African government on blacks in South Africa, the outcry would be overwhelming. In the case of the persecution of the Sikhs in the Punjab, the silence of the British government is deafening.

"If our Government wants to maintain its reputation in the field of human rights then it must bring pressure on the Indian Government, first to end the indiscriminate killing of innocent men and women in the Punjab. Second, to end once for all the large scale torture and wrongful imprisonment of many thousands of innocent Sikhs. Third, to bring to trial in open court soon all those who have been charged with activities connected with the situation in the Punjab.

"Finally to recognise the right of groups of Sikhs to meet together and to speak freely about the issues that concern them, their families and their religion. In other words, to recognise and implement basic human rights.

M. P. Terry Dicks had written this letter to the secretary of state after he was briefed and presented a well-documented report by D. S. Gill of the International Human Rights Organisation who was then touring Great Britain.

In his letter, the British MP concluded: "The situation in the Punjab is now desperate and I hope you will decide at least to look into the matter even if you are not prepared to criticise the Indian Government. A small gesture of this kind will at least bring some consolation to the many Sikhs living in this (UK) country who have friends and relatives in the Punjab and whose lives are threatened right now."

Indian Prime Minister Chander Shekhar ordered deployment of army and stepped up military initiative against the militants in Punjab. The Shekhar government broke previous records of per day killing of Sikh youths. Any talk of the Prime Minister resolving the Punjab problem as a sympathiser of the Sikhs, is thus utterly misconceived.

Newspapers watched and suppressed

The second major offensive directed against Punjab was undeclared censorship on the Press. A section of the media, which of late tried to balance its reporting on Punjab has been under attack from the State's military Governor (General) O. P. Malhotra. In this connection Punjab's largest circulating Punjabi daily, Ajit, on January 27 front-paged a notice intimating its readers that pressure was put on the editor of the paper that news regarding the militant-sponsored Bandh on the Republic Day, January 26, should not be carried.

The paper further revealed that the management received phone calls from the "top" that a Magistrate would have to be posted to the office of Ajit if it publishes news about the Bandh called by the militants (led by Baba Gurbachan Singh Manochahal and his Panthic Committee). Earlier the Chandigarh administration registered a criminal case against the newspaper's editor for publishing another news regarding militants. A similar criminal case was registered against Delhi's Times of India but certain Chandigarh-based newspapers agreed silently to curb the coverage of militants' activities and their views.

Punjab Sikh Journalist Association (PSJA) pleaded for certain measures before a team of the Press Council of India to ensure that the Press in Punjab functioned truly independently and was used as a tool of an oppressive state machinery.

Now it appears the Press Council of India's move to send a team headed by B. G. Verghese to Punjab to hear the grievances of journalists, has been used by the administration to give more powers to raid non-conforming sections of the media such as Ajit, Times of India and Aj Di Awaz.

The police seized 50,000 copies of Ajit on February 8. Largely the people of Punjab in their way protested against the seizure and described it as an attack on the freedom of the Press. Earlier in addition, the police had more than twice seized copies of Ajit, Aj Di Awaz and Punjabi Tribune.

On February 9, the Punjab government issued a policy note to the editors of various newspapers in the state and Chandigarh to ensure a blanket ban on the publication of certain types of statements and advertisements of militants that the administration considered "objectionable."

Playing a secondary role to militants?

The Punjab Government on February 18 formally decided to invoke section 95 of the Code of Criminal Procedure (CrPC) authorising Deputy Commissioners in the state to confiscate copies of news papers carrying "objectionable material." The Chandigarh Administration was the first to invoke this order on January 16. The Punjab government ordered confiscation of copies of Ajit and Aj Di Awaz twice since the beginning of the year.

The Punjab Governor (General) Malhotra on March 21, addressing a public meeting at Sangrur, warned the Press that it was playing "second-fiddle" to the militants in their game to create "chaos" in the state.

Not only the Sikhs, their lobbyists and friends among the inter national community raised their voice against police atrocities let loose on the Sikhs in Punjab but the Sikh people in the state have also started democratically resisting against the state tyranny despite heavy odds.

A sit-in was staged on February 5 in front of the office of the Deputy Commissioner, Ludhiana, against illegal detention of a large number of Sikh youths who were picked up by the police in the wake of the murderous attack on the Punjab DGP. People in large numbers from the neighbouring villages participated in the demonstration demanding immediate release of the arrested youths.

On February 13, the people in Jagraon sub divisional area blocked traffic seeking an immediate release of Surinder Pal Singh (son of an advocate Mal Singh of Heran village). The police reached at the spot and a "police-Cat" Bant Singh informed the public that the "boy" was with the police and he would be released at 6 PM. On his assurance, the blockade was lifted in the afternoon.

At about 6:00 PM Surinderpal Singh alias Shinder was found dead on a bank of the canal passing through Kular, a nearby village to which Bant Singh belonged. The people waiting for his release, were infuriated on seeing Shinder killed by the police helped by its "Cat" Bant Singh. They set on fire Bant Singh's house. After this, Bant Singh was shifted to some other place in the safe custody of the police. Despite protests, no case was registered against the killers of the advocate's son.

How advocate's son was liquidated?

The IHRO investigated the matter. According to investigating team, comprising advocates Harchand Singh Gill and Bhupinder Singh Somal, Surinderpal Singh recently came out of jail on bail furnished by one Karnail Singh of his village. He was picked up by a joint police party of Ludhiana CIA staff and Sudhar police on the night of February 12 from his village Heran. The police, after picking him from his home raided the house of Karnail Singh. A few members of Karnail Singh's family saw Shinder in police jeep. Many others from the Heran village affirmed before the IHRO team that Surinderpal Singh was taken into custody by the Ludhiana CIA staff and Sudhar police but police did not acknowledge his arrest.

The villagers of the area made frantic efforts to ensure that the guilty police officials and Bant Singh were brought to book but without success. The police provided a stronger security cover to Bant Singh.

Patiala University's protest-against police entry into the campus

The Punjabi University, Patiala, on the advice of its vice-chancellor, Dr. H K Manmohan Singh, constituted on February 14 a committee of the syndics to apprise the Punjab Governor of the difficult situation arising out of the frequent police entry into the campus, so that the academic and peaceful atmosphere in the university was not disturbed.

The teaching work in the university remained suspended for about a week recently due to a strike by students in protest against police raids on their hostels and arrest of three students. The frequent unauthorised police entry into the campus is going on for the last few months.

A four-member committee of syndics comprising Principal Satbir Singh, Charanjit Singh Walia, M. M. Mittal and Prof. Darbara Singh met on February 24 the State Governor (General) O. P. Malhotra, who assured them that the Police would not enter the campus without taking the university authorities into confidence. A police party from Gurdaspur district, however, carried out raids on the campus on February 28 without taking the university authorities into confidence. The unauthorised police entry into the university is still going on unabated.

Revolt by village Mayors

More than 500 Sarpanch's and Panch's of 63 panchayats of Ludhiana district falling in the jurisdiction of Dakha, Jagraon, Raikot and Sudhar Police stations on February 25 submitted their resignations to the Deputy Commissioner (DC) in protest against a reign of terror and humiliation at the hands of the police. They held a rally before submitting memorandum of resignations to the DC, listing nine reasons, including humiliation of panchayat members in police stations, illegal detention of the Sikh youths and their killing in false police encounters, bearing peaceful demonstrators and harassment of militants' families by the police.

According to IHRO's information, 63 Sarpanch's and 550 Panch's had submitted their resignations. Gurbaksh Singh, Sarpanch of Purain village, disclosed that on February 11, the police took into custody some persons from Boparai village and on February 16, when the residents of the village were protesting in front of Dakha police station, the police beat them up. The women, he added, were also insulted.

Gurdev Singh, Sarpanch of Dakha village, alleged that 20 persons were taken into custody at Raikot when they went to the police station to enquire about the whereabouts of three persons arrested from Ballawal village. All the 20 persons were sent to jail.

According to a report by H. S. Bhanwer from Patiala, residents of Phaggan Majra and adjoining villages blocked traffic near Jakhwali village on the Patiala-Sirhind road for several hours on February 19 to protest against the killing of Harjang Singh, a resident of Phaggan Majra and employee of the Rakhra Sugar Mill in a faked encounter by BSF personnel on the previous night. More than 100 villagers came to Rajindra Hospital, Patiala, to collect the body of Harjang Singh. The demonstrators demanded a judicial inquiry into the incident as the police had claimed it to a genuine encounter. IHRO has no confirmation of any judicial inquiry into the incident.

Kidnapping and counter-kidnappings

There has been a new phenomenon in vogue in the recent past of kidnapping and counter-kidnapping by the police and militants to settle their scores. The police detained some activists of the Khalistan Liberation Force. KLF kidnapped Patiala DSP Surjit Singh Grewal's nephew, Baldeep Singh and demanded the release of their activists. The Patiala police retaliated and kidnapped, in turn, the relatives of KLF leaders.

KLF activist Dr. Pritam Singh Sekhon's Sister Manjit Kaur and her spouse Dr. Harjit Singh, were picked up from Nabha on February 20. His other kidnapped relatives included uncles Sher Singh of Dulman and Karnail Singh of Sangali, brothers-in-law, Rajinder Singh and Devinder Singh, both from Jalandhar, aunt's sons-in-law Amar Singh and Arjan Singh, and niece Kiranjit Kaur (13).

Another KLF activist Punjab Singh Khalsa's brothers-in-law Gurnam Singh (40), Darshan Singh (38) and Jarnail Singh (35), all sons of Jobar Singh, were abducted from their village Dhudike in Faridkot district on February 17 by the Ludhiana police. While they remained in illegal police custody, Punjab Singh's sisters, Sukhwinder Kaur (spouse of Gurnam Singh) and Amar Kaur (wife of Darshan Singh), were kidnapped by the police on March 11.

Next of kin of the kidnapped and the IHRO made representations to the Punjab Government and other authorities concerned for their release. The Punjab and Haryana High Court was also

informed about these abductions. Most of the abducted persons remain in the illegal lock up of the police. Rajinder Singh and Devinder Singh were set free on April 30. The police from his Jalandhar residence subsequently picked up Rajinder Singh on May 10.

IHRO censured Patiala police

Instead of setting free the illegally detained innocent relatives of the militants, Patiala police chief S. K. Sharma reacted against IHRO to suggest that the kidnapping of DSP Grewal's nephew was in the knowledge of the IHRO.

The IHRO termed the SSP's utterance as baseless and mischievous. It felt pity that instead of setting his house in order, the Patiala police chief chose to shift the blame onto others by making nasty insinuations.

Reacting to the police officer's grouse that IHRO had not exercised its influence on the militants to release the boy, the organisation wondered how police functionaries like Sharma could expect IHRO to do so when the latter had not been able to dissuade even the police from kidnapping the kith and kin of the underground youth.

Onion farmers liquidated

One Shindo (widow of Sohan Singh, residence of Dhapai village of Batala police district) in her representation to the Punjab Governor, said that her son Satnam Singh (alias Satta) along with Balwant Singh (son of Dara Singh) was planting onions in his fields on February 26 when a large number of police officers detained both the boys. Their hands were tied behind their backs. The police had already in their custody another person whose hands were also tied. The police officer pounced upon all the three and started kicking and giving rifle-butt blows to them. Shouting aloud, "do not expect to see them back," the police officers escorted them away. Shindo and spouse of Satnam Singh pleaded in vain. They were also beaten. They followed the boys for about 200 metres when they were forced to turn back. The helpless women sat down.

The police officers shot dead Satnam Singh, Balwant Singh and the third unidentified youth near the adjoining sugarcane field, about 100 metres away from Shindo and her daughter-in-law. The two women and many others working in their fields saw the police shooting them dead. The poor women rushed towards the dead bodies but were not allowed to go near. The police took away the bodies never to be returned to their relations.

In her representation to the Governor, Shindo demanded a judicial inquiry into the incident. Will she be able to get any relief from the military governor, is a moot question.

A IHRO WATCH March 1991

In March 1991 the world public opinion continued to express its concern about the state of human rights in India in general and in Punjab in particular. In Washington, a booklet detailing the violations was brought out. The booklet titled "A challenge to the modern world: The chronology of the bloodbath in India," is a compendium of news reports and columns on human rights violations that have appeared in the Indian and American media in recent months. Graphic pictures of victims of communal violence punctuate it.

A CODHRI exposé of India

The glossy and expensive-looking 28-page booklet, which has presumably been professionally prepared, is published by the Committee for the Defence of Human Rights in India (CODHRI). It also includes statistics and assessment of the damage and carnage wrecked by the communal riots, particularly on the minorities in India.

The booklet, which has already been mailed to all the legislators in both the House and the Senate, is also to be distributed at the United Nations, according to CODHRI's national Coordinator Aslam Hameed.

It urges the legislators to call for special congressional hearing on the human rights abuses in India. The state department's 1990 human rights report "places substantial emphasis on the violations of fundamental rights and brutality of Indian forces countrywide."

Thus, it says that CODHRI "feels obligated to inform the United Nations as well as policy makers in the United States about the continuing violations of human rights in India. "The non-Hindu and low-born Hindu minorities in India have no recourse to justice except the United Nations and other international fora," it adds.

CODHRI was also instrumental in getting representative Gus Yatron, who chairs the House's human rights sub-committee to write a strong letter to assistant secretary of state for human rights Richard Schifter urging him to "encourage the Indian government to develop effective pre-emptive actions to protect victims of human rights abuses."

In December last year, CODHRI once again got one of India's few staunch supporters on Capital Hill, representative Mervyn Dymally, to write to Prime Minister Chandra Shekhar urging him to put a stop to what he described as "the pogroms directed against the various minority groups by members of the majority community."

A "discipline India" bill

CODHRI's bombarding Congress with its report, comes at a time when a concerted effort to cajole India into addressing this problem has taken on a new urgency in recent months. Human rights groups such as Asia Watch and Amnesty International have been briefing legislators on the continuing violations of human rights in India. The State Department itself took the government security forces to task for human rights abuses in a considerably tougher report that it has in previous years. Meanwhile, a bill, calling for suspension of aid to India unless it allowed human rights groups to monitor the rights situation in Punjab and Kashmir, is gaining support. It was introduced by one of India's most acerbic critics, Representative Dan Burton, a Republican. It could very well be debated on the floor of the House.

Indian Ambassador Abid Hussain, sensitive to the damage that such lobbying by these groups could do to Indo-US relations, has also been regular visitor to Capitol Hill to counter these allegations.

US House Panel expresses concern

Earlier A Balu, an Indian Express correspondent had reported from Washington, DC, that India was in dock on Capital Hill as a Congressional Panel, slated to review developments in South Asia, found itself preoccupied with alleged human rights violations in Punjab.

The two-and-a-half-hour session of the House Sub-Committee on Pacific and Asian affairs chaired by Member of Congress Stephen Solarz was virtually dominated by statements of concern at what some members thought were the shortcomings of the Indian authorities in dealing with the problem of the minority Sikhs. An Amnesty International report provided grist to the Punjab mill.

Solarz and two senior State Department officials, John Kelly, Assistant Secretary of State for Near Eastern and South Asian affairs, and Richard Schifter, Assistant Secretary of State for human rights affairs, sought to help balance the criticism against New Delhi.

Accused of 1984 go scot-free

The questions raised during the hearing, particularly by Democrat Member of Congress Robert Toricelli, concerned mainly detention of people without trial, alleged prison brutalities, fake encounters and delay in bringing to trial those involved in the killings in Delhi following the assassination of Indira Gandhi.

Richard Schifter told the committee that there had been delays in bringing persons in the 1984 anti-Sikh violence to justice. Critics had charged that their high political office protected the chief accused from prosecution.

Even as the Solarz panel was in session in the Reyburn Building, in another committee room, the situation in Punjab was the subject of a briefing by D. S. Gill of the International Human Rights Organisation. The meeting was organised by the Democrat Congressman from California Norman Shumway, and one of the participants was Republican Congressman Wally Herger, who had almost succeeded in getting the House of Representatives adopt an amendment to the Appropriations Bill for denying India development aid until progress was achieved in the Human rights situation.

Gill urged Members of Congress to mobilise international public opinion against human rights abuses in Punjab and to persuade New Delhi to find out a political solution to the Punjab problem that, he said, is not a law and order problem as is wrongly being claimed by the Indian Government. Gill had earlier travelled to the United Kingdom and Canada to brief members of Parliament, government officials and representatives of human rights organisations in the two countries.

Both the events on Capitol Hill focusing on Punjab, were in a sense, testimony to the active and sustained efforts on the part of Sikh lobbyists in trying to influence Members of Congress in support of their cause. The Indian Ambassador has been striving hard to counter the Sikh lobby in the United States by frequent visits to Capitol Hill, but it seemed he faced an uphill task.

No let-up in repression despite Delhi's assurances

The Assistant Secretary of State for human rights affairs, Schifter told the Solarz Committee that the US continued to urge the Indian Government to look into all allegations of police misconduct and punish all perpetrators of such acts.

John Kelly said that during his visit to New Delhi he had raised the question of alleged mistreatment of prisoners. He found there was serious concern at upper level of the Indian Government about the abuses by security forces they would be eliminated and those responsible would be punished.

(Indian Express : October 27, 1988)

Meanwhile the International Human Rights Organisation received information to the effect that a Sikh youth had been killed by Khanna Sadar Police in its custody on March 15 after he had surrendered to the police in presence of a number of persons of village Cheema on March 14, following an armed resistance with the police.

The IHRO headquarters asked its Secretary Mohinder Singh Grewal to find out the facts, who, along with advocate Bhupinder Singh Somal visited Cheema village and the spot near Khanna village - a suburb of Khanna city. They met several persons including the doctors who had examined the dead body and prepared post-mortem report. They were able to get a copy of the First Information Report (FIR) by the police, from the court of Judicial Magistrate, Khanna. The team also met Sarpanch Mewa Singh of Dehar village in Chamkaur Sahib Police Station.

How a Babbar was killed

According to the police report (FIR No 44 dated 15.3.1991) registered at police station Sadar Khanna, a police party comprising Assistant Sub-Inspectors (ASI) Rattan Singh, Harjant Singh, Dilbagh Singh and three constables, of Police Station Sadar Khanna along with Inspector Harbhajan Singh, Station House Officer, Payal, ASI Gurbax Singh and three constables were on a watch-duty at the link road opposite the cooking gas agency near Khanna village on the night of March 14. The section of Central Reserve Police Force (CRPF) 97th Battalion, led by its Sub-Inspector Romesh Tripathi aided the police party. Two young Sikhs coming from Khanna city side on a blue coloured Chetak Bajaj scooter (CHR-5073) at about 12:45 AM on March 15 were asked to stop by the police party. Instead of heeding the warning, the person on the pillion opened fire at the party. The police returned the fire. During the armed clash, one of the scooter riders was killed and fell down while the other escaped taking advantage of darkness.

The police claimed to have recovered one AK-47 rifle along with some cartridges. A case under section 307 Indian Penal Code and 25/54/59 of Indian Arms Act, was registered. Post-mortem examination report mentioned the dead as an unidentified Sikh of 35 years of age.

On the other hand, the IHRO committee has a different story to tell. The young Sikh, subsequently identified as Mann Singh of Ropar district from village Dehar Mundian, belonged to the Babbar Khalsa International. Mann Singh was taken into custody by Samrala CIA Police Inspector, Sher Singh from Cheema village in presence of villagers at about 9 PM on March 14.

The villagers narrated the whole story of arrest of the Babbar Khalsa activist to the investigating team. According to them, four armed youths on a Hero Honda and scooter reached their village and contacted one Banta Singh to borrow his jeep. The jeep was not in working order, so they could not take away the vehicle. Sher Singh, Inspector Police, belongs to this village. Coincidentally, he was in the village along with a posse of police that evening. Somehow, he came to know about the militants visiting Banta Singh's house and called for more police force from the adjoining police stations of Khanna and Payal.

Was the youth unidentified?

At about 8 PM, the police party led by Inspector Sher Singh engaged the militants in armed encounter when the latter were leaving the village and were near the house of Sher Singh. In the meantime, parties from Khanna and Payal police stations, respectively led by Inspector Sant Kumar and Inspector Harbhajan Singh reached the village. After a prolonged encounter, three of the militants managed to escape on their motor cycle and the scooter while one (Mann Singh) fell into the police net. He, then, surrendered to Inspector Sher Singh raising his hands high and was handed over to the Khanna police. Many villagers witnessed the surrender and his being taken away by Inspector Sant Kumar.

On the same fateful night, the police killed Mann Singh as an unidentified Sikh youth, stage-managing an armed encounter near Khanna village. The Sadar Khanna police raided and searched the houses of Mann Singh's friends at Gadhran and Dehar villages, early in the morning of March 15. The dead body of Mann Singh was brought to Khanna Civil Hospital at 11 am on March 15. Neither the police nor the hospital authorities placed the body for identification before the public. The dead body was disposed of as unclaimed and unidentified.

On hearing the incident, the IHRO activist and residents of Cheema and Dehar Mundian villages including next-of-kin of the deceased, coordinated their activities and identified the victim as Mann Singh (son of Sarwan Singh of Dehar Mundian village) from photographs and personal belongings lying in custody of the Sadar Police, Khanna.

The police version that an unidentified Sikh youth had been killed in an armed clash with the police is false and fabricated, aimed at suppressing the reality and wrath of the people.

A scooter used "twice"

So much so, the scooter claimed to have been recovered by the police from the spot, was already in possession of the Khanna police. It belonged to one Charan Singh of Khanna. The scooter was, earlier, forcibly taken away by some unidentified persons and was returned some days later. Advocate Harpal Singh Grewal, himself had handed over that scooter (CHR-5073) to the police in Sadar Police Station, Khanna, on March 3, 1991 as the owner had got his complaint registered to that effect in the police station. The scooter was never returned to Charan Singh.

This is not an isolated act of killing a youth in police custody. There are hundreds of Sikh young persons who are being liquidated by the State. The aim of the Government of India and its representatives in Punjab is to annihilate Sikh youths and bring the Sikh community to submission so that its struggle for the restoration of basic Punjab and human rights is put down with brutal force.

BKU protested against police repression

The Punjab unit of the Bharti Kisan Union (BKU) brought to light two cases of high-handedness on the part of the Khanna police. A deputation of the BKU led by its general secretary, Balbir Singh Rajewal, along with some victims of police atrocities, met K N Singh, Advisor to the

Punjab Governor, on March 6 and demanded an inquiry into the incidents and action against the guilty police officers.

According to Rajewal, a police party led by Sant Kumar, SHO, Sadar Police Station, Khanna, on March 5 picked up Lal Chand, Secretary of the Khanna block of the Union. Lal Chand was beaten severely at the police station. He was presented before the secretary to the Governor. He could not move properly due to the torture.

His fault, according to Rajewal, was that he was serving at a farmhouse of Jagat Singh who had been instrumental in exposing the police in the Kotla Ajner case in which two AISSF (Manjit Singh) activists had been killed in a false encounter.

The police raided Jagtar Singh's house almost every week for the past three months. On February 13 last, the police picked up his son and beat him up at the police station.

A Hindu, too, is beaten up

In the second case, police officers beat up several residents of Rajewal Rohno village on March 4 last. Giving details, Rajewal said, ASI Niranjana Das of Khanna led a large police force including CRPF personnel, into the village and beat up 12 persons. Later he took Ram Murti, a retired Subedar, Sarpanch, and three Panch's to the police station. There the Sarpanch was mercilessly beaten up. The Sarpanch, who accompanied the BKU deputation, showed the Advisor to the Governor his swollen knees and other injuries caused by the police beating. All four were released next day after union workers started collecting in front of the police station.

Damdami Taksal's preachers assaulted

On March 9, news in a section of the Press suggested that a few members of the Damdami Taksal had been harassed at the hands of Amlah police at Mallewal village in Patiala district. The IHRO team led by Mohinder Singh Grewal rushed to the Taksal headquarters at Mehta Chowk to find out the details of the incident. The team met Bhai Mohkam Singh and Bhai Malkiat Singh in this connection.

According to the Taksal activists, a police party led by Baldev Singh Brar, SHO, Police Station, Amlah raided the house of Baba Darshan Singh Mallewal on the night of March 7. The Baba was not there. They picked up Baba's son, Biloo (20) and his brother Gurcharan Singh (35). They were physically assaulted and then taken to village Gurdwara, where the police beat up Granthi (preacher) and molested his wife. Thereafter the police raided and searched the house where Panj Piaras (religious preachers) of the Damdami Taksal were staying. They inquired from the five Singh's about Baba Darshan Singh who was away at that time. They did not divulge anything. They were abused and slapped by the police personnel. They were hit with rifle butts. Their religious symbols were parted away. The police took along Biloo, Gurcharan Singh and Ajit Singh to the police station.

People sieged police station to get Taksal activists released

Next day the people sieged the police station and blocked traffic for five hours. The police set free Biloo and Ajit Singh under pressure. Gurcharan Singh was produced in court after registering a case against him as well as against Baba Darshan Singh under sections 212 and 216 IPC for harbouring and aiding terrorists.

There is complete lawlessness in the State. The police and paramilitary forces are armed with unbridled powers. They can do any thing and get away with it. They are answerable to none. The army personnel are also not lacking in this lawlessness. They are the superior force. After all, they are the "defenders of borders". They are supposed to do no wrong, but it is different in practice.

The Army's foray into women's hostel

Now let us see which law was followed by an army official who made an entry into Guru Gobind Singh Medical College girls hostel at Faridkot for allegedly satisfying his sexual urge and to take along a "beautiful girl for his colonel". A news appeared in a section of the Press on March 9 that an army personnel in uniform was nabbed, beaten up and handed over to the

police by the girl students of the hostel. The IHRO deputed its women activists to collect further information on the incident.

According to the information received from different sources, Sarwan Kumar in a drunken condition trespassed into the girls' hostel at night on February 28 last and tried to enter into girls' rooms. The girls were alerted when they heard noise of his boots on the floor. They came out and collectively nabbed him near the hostel bath rooms. He was beaten with shoes. He showed his army card for identification. He confessed before the girls that he went there with bad intention, but he was not alone, he added. Five other army personnel who ran away accompanied him when he was nabbed. He also disclosed that his colonel had allowed us to enter the hostel for sexual enjoyment and had asked us to bring along one beautiful girl for him. The girls handed him over to the police. The Faridkot police registered a case against him alone. When he was produced in the court, the army officers took him along saying that he could not be tried in a civil court.

Yet, another case relates to Rachhpal Singh (17) (son of Teja Singh resident of Salampur village of Patiala district). SHO Satpal Singh, city police station, Rajpura picked him up, from his village on January 24 last. Parents, panchayat and BKU district president Pashora Singh met the police to know the whereabouts of the boy but all in vain.

The parents filed a writ of Habeas corpus in the Punjab and Haryana High Court. Justice A P Chaudhary sent a warrant officer to recover the youth. The warrant officer found the boy in illegal custody of the Lalru police. He was recovered on February 2 from the police lock-up and produced in the High Court. Rachhpal Singh deposed that SHO Satpal Singh kept him at Rajpura, Basantpura, Dera Bassi and Lalru police stations where he was tortured everyday.

In his affidavit submitted to the High Court, SHO Narinder Singh, of the Lalru police station had admitted that Satpal Singh handed over Rachhpal Singh to him. However, Satpal Singh in his affidavit denied the arrest of Rachhpal Singh saying that he did not want him in any case. The High Court Judge set Rachhpal Singh free on February 26.

Rachhpal is now free. However, what about the guilty police officials? They are again busy in hunting down other youths. It is now the Patiala police, which raid his house.

Likewise, there are hundreds of Sikh youths from all over Punjab who have been abducted by the police and are rotting in police interrogation centres. It is almost impossible for any human rights organisation to take up all the cases and maintain their record.

Chander Shekhar's political strategy

The events narrated above cover the first quarter of 1991, which experienced in full measure the impact of Prime Minister Chander

Shekhar's policy towards Punjab. The policy involved a multi-pronged offensive. One aspect of the policy was to step up military and police initiative. For the first time after 1984-85, the Army in sizeable strength was deployed initially to cover the border districts, Amritsar, Gurdaspur and Ferozepur. The force was put on an active civil duty with the specific objective of suppressing militants. In public, the well-known stance of its non-involvement was maintained. This was done as a part of comprehensive new strategy. The aim was also as a part of comprehensive new strategy. The aim was also to take the wind out of the sails of the Bhartiya Janata Party, which has been insisting, on an active role for the Army in Punjab beginning with sealing the Indo-Pak border. Alternatively, the acceptance of BJP's demand could be used to enhance the Prime Minister's bargaining power vis-à-vis the BJP in the context of the ruling group's electoral calculations. In any case the Prime Minister showed up Congress (I) as a weaker entity in dealing with Sikh militancy.

The new strategy was further reinforced by the appointment of an Army general - General O P Malhotra - to ensure a better military-civilian coordination. Yet, another aspect of the policy was to entrust essential levers of Punjab power to Punjabi Hindus. In addition to the Punjabi Hindu military governor, the Prime Minister ensured that the chief secretary and the governor's advisers were Punjabi Hindus. Of course, all the effective Army and police positions, including those in the districts, were given to Punjabi Hindus. A message was clearly conveyed to them

that this was the last chance for Punjabi Hindus to survive in a preponderant position in Punjab. This development is unique in the sense that what Mrs. Gandhi and her son could not do was done by Mr. Shekhar. The Nehru dynasty avoided effective and direct power being transferred in Punjab to Punjabi Hindus as it was apprehensive of a Sikh backlash and a communal polarisation.

However, then, the Prime Minister had other means to make his strategy work. He did a lot of homework on the Press and publicity front. He made the fullest use of his publicly announced reservations about the efficacy of the Operation Bluster. Several "Sikh leaders" drummed up Mr. Shekhar being "friendly to the Sikhs". The public was made to believe that the Prime Minister was intent on satisfying the "Sikh aspirations" while "Rajiv, Ray and Buta Singh and their agents" were unduly critical and apprehensive about Mr. Shekhar.

In general, the Press in Punjab and elsewhere was straightjacketed into the Prime Minister's overall strategy. No criticism of the Army's or security forces' excesses. No mention of militants' grievances or statements. No publicity of cremation of Sikhs killed in fake or genuine encounters. A section of the Press extended willing cooperation while the other section was duly disciplined.

The Prime Minister's strategy appeared to work wonders. Even the Panthic Committee paid tributes to Mr. Chander Shekhar's role. It, however, made a distinction between him and his wicked advisors. Once the Panthic Committee was thought to be on the right track, it was time to invite "tenders" from the power brokers' community of traditional Akalis. First, it was Simranjit Singh Mann's turn. However, he was behaving in a funny manner not knowing the Indian State's might. Then, the Old Faithful were called. A coordination committee sprang up from nowhere. The deal was struck and the way was finally paved for "the revival of democracy".

The world outside is perhaps unaware of the essential revival of the discredited Rajiv-Longowal spirit without the participation of the 1985 actors to the Punjab drama. IHRO continues to believe that the new arrangement will end in fiasco in the same way as the Rajiv-Longowal understanding failed to deliver the goods. What are missing again are the issues. What is in the forefront is the grant of fake power to the issueless lot of Neo-Akalis.

The rape of Sikh women

A IHRO WATCH

April 1991

India suffered a major setback in US Congress over her nuclear policy on June 13, 1991, when the House of Representatives voted by a huge margin to put her on the "same boat" as Pakistan and deny American aid unless New Delhi obtains a Presidential certification that it is not developing "additional" nuclear explosive devices.

The lawmakers' decision to extend to India the Pressler law that has so far been applicable only to Islamabad came in the form of an amendment to the foreign assistance bill covering two fiscal years beginning October 1991.

The vote on the amendment, jointly sponsored by Republican Robert Lagomarsino and Democrat Charles Wilson, was 242 to 151. Among those who voted in favour of the amendment were 126 Democrats, 115 Republicans voted against.

"Mr. India" to India's rescue

Stephen Solarz, whom late President Zia-ul-Haq of Pakistan had once described as "Mr. India", made a vigorous but vain effort to persuade his Congressional colleagues to reject the amendment. He could not repeat the feat he had achieved nearly two years ago when, the house very narrowly rejected a move by Republican Congressman Wally Herger to deny India development assistance until progress was achieved in its human rights record.

The sponsors of the amendment applying the Pressler law to India insisted that it was not anti-India, but only "we will be treating India no difficulty than we treat Pakistan". That made sense because the nuclear arms race in South Asia was between India and Pakistan, and unilateral arms control "does not work". What was required was a regional approach, they said.

There was little doubt that the strength of the voting reflecting a clear tilt against India came as a shock to officials of the Indian mission there.

The Indian ambassador, Abid Hussein, who was away on an official tour, had in the recent past lobbied hard on the Capitol Hill, explaining to the lawmakers India's nuclear policy and the human rights situation in the country, it was acknowledged during the debate. But his effort apparently failed to make a dent since the majority of Congressmen were clearly inclined to the view that in projecting its nuclear non-proliferation policy in South Asia, the United States must be even-handed.

Stephen Solarz, who chairs the house subcommittee on Asian and Pacific Affairs, argued that if symmetry was the purpose of the Lagomarsino amendment, it should be extended to other countries which had nuclear weapons or which had similar nuclear programmes. Why stop with India? Why not China, why not Israel, why not South Africa?

Solarz said adoption of the amendment was not going to stop Pakistan's nuclear programme, certainly not India's programme, but "it will have very adverse consequence for Indo-American relations.

"Hundred percent with India"

Democrat member Mel Levine said the question of symmetry could be appropriately raised between Indian and China. What was needed was a comprehensive proposal for South Asia, but this amendment was about India alone. He questioned the wisdom of cutting of programmes which were extremely important for India and whose relations with the United States were improving substantially over the last several years.

Solarz's spirited intervention on behalf of India brought the wry comment from Republican Dan Burton that "Mr. Solarz is doing a very good job of defending India. Without him on the floor, India will suffer, he is hundred per cent with them on any issue".

In a related action, the house also approved an amendment proposed by Republican Wally Herger calling on the Indian government to extend to international human rights organisations like Amnesty International and Asia Watch access to Punjab and Kashmir to examine allegations of human rights abuses by the Indian security forces. He welcomed the “acknowledgement” by the house that India must address the serious problem of human rights violations. He could not accept the argument that instability in India was an inappropriate time for imposing sanctions on the country. Instability was no excuse for the security forces and the police to indulge in killings and atrocities, Herger said.

Congressman Wilson, who had co-sponsored the Lagomarsino amendment, compared Pakistan’s support in the Gulf war and in Afghanistan with the stand of India which, he said, had sided with the soviet Union throughout the cold war, and which was bullying its smaller neighbours. What the amendment sought was merely equity between Indian and Pakistan about nuclear non-proliferation.

A Republican Senator from South Dakota, Larry Pressler’s amendment, which had made American aid to Pakistan subject to it not possessing nuclear weapons, now has been extended to India.

Pressler in the Congress, had said that “In fairness to Pakistan, the Government of India has been less than forthcoming in its efforts to address proliferation issues on the sub-continent”.

“We must keep in mind that it was India not Pakistan that exploded a nuclear device in the early seventies” he said.

Indian Army must respect human rights

In another amendment, vitally concerning India’s domestic affairs, Congress asked the Bush Administration that the training, the USA provides to India’s armed forces must adhere to international recognised standards of human rights.

The amendment to the US Foreign Aid Bill, which was proposed by Congressman Wally Herger, was adopted in the house along with the controversial move dragging India into the non-proliferation Pressler law that governed the US military and economic assistance to Pakistan.

The move by Herger, a known supporter of the Khalistani lobby, which went unnoticed earlier, seeks to establish policy guide lines for the \$ 25.9 billion Foreign Aid Bill.

“I am hopeful that the strong message the house is sending to the Indian Government about human rights abuses by Indian security forces will be heard loud and clear in Delhi”, Herger later said in a statement.

Of the about \$ 100 million that India would receive as aid from the USA in the fiscal year 1992, beginning October 1, \$ 3,45,000 had been earmarked for military training.

In his speech in the house, Herger had said he would prefer that Congress went even further and imposed sanctions on India at this juncture. “I, for one, believe (political) instability is no excuse for the Indian authorities detaining tens of thousands of its citizens without trial, as has been reported by The New York Times”, he added.

“If, the next year, we do not see an improvement in India’s human rights record, I will be back urging my colleagues to join me in an effort to make further US assistance to India conditional on respect for human rights”, Herger added.

A commitment forgotten

Earlier, he referred to the unfulfilled promise of the now defunct V P Singh Government to permit the Amnesty International to visit Punjab and Kashmir and investigate alleged police atrocities in the two Border States.

In fact, the Janata Dal Ministry reopened the issue. George Fernandes, the then union minister, during his visit to the USA had promised an Amnesty investigation, in sharp contrast to the

previous Congress Government's policy of not permitting foreign groups to "meddle into India's domestic affairs".

However, India's troubles with the US Congress appear to be far from over. According to reports, the house may take up yet another bill of Herger seeking to deny most-favoured-nation (MFN) trade status to India in the USA.

Also pending before the house is Republican Congressman Dan Burton's bill seeking to cut off American developmental assistance to Delhi.

Both the measures are concerned with the alleged violation of human rights are favour an Amnesty investigation into them which India had declined.

This move by the US House of Representatives was aimed at asking the American government to teach the Indian armed forces the importance of observing human rights.

The amendment, among other things, observed that international human rights groups such as Amnesty International and Asia Watch had documented numerous instances of human rights violations by the Indian security forces against the Indian people especially in Punjab and Kashmir. Such abuses reportedly included rape, torture, detention without charge or trial, summary executions, disappearances and so-called encounter killings.

Direction to secretary of state

The US Congress also urged the American Secretary of State to raise Indian human rights abuses with the Government of India.

Meanwhile, India on June 24 rejected the US amendment saying that it cast "unwarranted slur" on the Indian armed forces. An External Affairs Ministry representative adding "Indian armed forces need no lessons from others in compassion, morality and application of human rights and humanitarian standards" stated this.

"There is (therefore) no question of the Government of India accepting any conditionalities", the spokesperson underlined. He further explained that the US amendment actually referred to an exchange programme in the name and style of international Military Training Programme.

The amendment, passed as part of the foreign aid authorisation bill for 1992-93, spoke of the need for the Indian Armed forces to cultivate "an enhanced understanding and appreciation of and the ability to apply, international recognised human rights and humanitarian standards".

According to Indian Express (June 25) report, India has chosen not to condemn this move on Capitol Hill in Washington, because New Delhi does not wish to send signals that could be misunderstood by the White House. It is said that the amendments viewed in New Delhi in the overall context of certain other developments such as the gathering opinion in the US against a plebiscite in Jammu and Kashmir.

A psycho-political setback to India

What is really means is that \$ 22 millions in the US development aid will be withheld for the fiscal year 1992-93, unless India is able to prove its non-nuclear status. Although the sum is minuscule in relation to India's economy, yet it makes a lot of difference in the international field. It is certainly a psycho-political setback to India.

Wally Herger's amendment to the foreign aid bill attaching conditions to the \$ 3,45,000 that India was set to receive through the international military education and training (IMET) programme, is a major setback to India.

Even as the US Congress continued censuring India for its violations of human rights, there is no let-up in state repression in India. Tens of thousands of Sikhs and non-Sikhs have been killed during the past few years. A large number of Sikh activists have been killed at the hands of the security forces. The paramilitary and the police forces have been responsible for grave human rights abuses. The Indian Army deployed in Punjab in garb of routine defence exercises often

engages itself in “encounters” with the Sikhs. No one from the military or paramilitary forces responsible for extrajudicial actions has so far been punished.

No let-up in state repression

Despite protests by political groups and non-party organisations in Punjab, violent activity at the hands of military, paramilitary and police remains unchecked. Rather it has been stepped up in the wake of the proposed elections to Lok Sabha and Punjab Assembly. Security forces excesses against civilians are on the increase. According to official figures, 93 Sikh militants were killed at the hands of the security forces during January 1991. In the month of February, this figure went up to 169. The killing of militants by the State was further stepped up in March and the killed numbered 202.

A monthly watch by IHRO

During April, 1991, the number of Sikhs killed by the security forces in Punjab was 193. Of them, 155 were shown killed in “encounters” with the police or security forces, 29 in inter-group rivalry and nine by taking poison. The exact number of Sikhs and non-Sikhs killed by individual groups and the State-sponsored secret death squads known as “Cats” as well as counter-militants groups encouraged by the government (like Indian National Army, Indian Lions, Sarabha Brigade, Red Brigade) cannot be determined by any voluntary organisation. It needs investigations at the government level. IHRO has been demanding judicial inquiries into all incidents of violence since its inception in 1985 but to no avail.

IHRO during the month of April took up a number of cases for investigation. Its headquarters at Ludhiana received information that a joint police party from Samrala and Sahnewal police stations along with Central Reserve Police Force (CRPF) personnel over 200 in number led by Samrala Deputy Superintendent of Police, DSP Surjit Singh Pannu, Inspectors Sarup Singh and R N Sharma raided and searched Kotgangurai village on the night of April 1, 1991, at about 3 am. The villagers including women and children were slapped and beaten with rifle butts. The police picked up one Amrik Singh (son of Sardar Singh) and rounded up ex-Sarpanch and Headmaster Harbhagat Singh (60), Bhajan Singh (50), Gajjan Singh (62), Manjit Singh (20) and Pritam Singh (50). All persons, except Amrik Singh, were set free after interrogating them for three days. Amrik Singh was removed to an unknown place.

In the meantime, IHRO sent telegrams to the Chief Justice of the Punjab and Haryana High Court and the Punjab Home Secretary seeking their immediate intervention as the parents feared liquidation of their son Amrik Singh at the hands of the security forces. It also constituted a two-member team comprising Mohinder Singh Grewal and Anmol Singh Grewal to enquire into the matter. In addition, the people of Kotgangurai organised themselves against this high-handedness of the police. They sent messages to about a dozen villages in the area. People from various villages collected at the Ludhiana-Chandigarh highway and started blocking traffic at 10 am at three different places near Katani, Neelon and Tedhewal villages. The villagers in thousands jammed traffic in protest against ransacking the village and abduction of the Samrala DSP that Amrik Singh would be sent home in the evening, the blockade was lifted.

On that very day (April 1) at 5 PM. Amrik Singh was brought to his village by the police in a vehicle but was taken away after a round of the village. The same night at 10 PM, the police again invaded the village. The police vehicles remained moving around the village. The villagers remained indoors due to fear. During this period, they heard a sound of bullets near the house of Amrik Singh. In the morning of April 2, they saw bloodstains and pieces of flesh behind Amrik Singh’s house. They all were stunned fearing that the police might have killed Amrik Singh last night. The village panchayat and next-of-kin of Amrik Singh approached the Samrala Police to enquire about the boy. The police did not respond.

What killed the Brahman ?

The IHRO investigation team visited the spot, talked to the villagers including Sarpanch Bant Singh, Jagjit Singh and Bhagat Singh and met Amrik Singh’s relatives. They recorded the statements of the witnesses and victims of police excesses. According to the investigation team, it was Suresh Chand, a special police officer (SPO) and not Amrik Singh, who was accidentally injured in the firing on that night. He was admitted to the Christian Medical College and

Hospital, Ludhiana, where he succumbed to his injuries on April, 5. On the contrary, he was shown killed in an armed encounter with the militants the same night at Paut village near Jharr Sahib Gurdwara. Suresh Chand (son of Jit Ram), a Brahman, belonged to Sehela village in Samrala sub-division of Ludhiana district.

A traffic hold-up pays off

The mass protest and the continued efforts by the villagers and IHRO proved effective and Amrik Singh was ultimately produced by the police in a court at Ludhiana on April, 15 after he was kept in illegal custody for 14 days. He was harassed and brutally tortured in the police custody. Now he is in Nabha high security jail.

Meanwhile on April 8, Sarpanches and Panches of Ludhiana district decided to protest against the police repression in the villages as the ransacking of the Kotgangurai village was not the only isolated act by the security forces. This type of terror was let loose on dozens of villages in every district of Punjab in the past.

Accordingly, the villagers supported by various political and non-party groups, sat on dharna (sit-in) on April 14 before the Deputy Commissioner Ludhiana, protesting against the high-handedness of the police.

“Comrades” as police touts

Why was the terror let loose by the police on the people of Kotgangurai village? In the course of investigations by the IHRO, it was revealed that members of the Punjab Dehati Mazdoor Union, a pro-CPI outfit from a nearby Bhoepur village, were hand in glove with the Samrala Police Chief, Surjit Singh Pannu. They are also known as the activists of Sarabha Brigade. They are working under the command of Comrade Amolak Singh, the Convenor of Anti-repression and Communalism Front, Punjab. These groups of the so-called Communists are encouraged by the State to confront the Sikh political activists who are advocating Khalistan. The police equip them with arms and ammunition.

After receiving this information the IHRO team met several persons of Sanghe and Bhoepur villages including Sarpanch Kartar Singh who confirmed that these “Comrades” had been terrorising the people of the area and had direct links with DSP Samrala. They fortified Dharamsala building in Bhoepur village and are operating from there as if it was a police post. They remain on watch-duty, check and search the passers-by. They seize the Sikh youths particularly Amritdharis (baptised Sikhs), lock them in the Dharamsala and hand them over to the police. They sometimes themselves interrogate and torture the youth. Their local leaders are Ramdin, Jagroop, Mohni and Romesh. Several persons from the neighbouring Bhaman village are also members of this group.

Police “cats” killed political activists

The people of the area alleged that on March 26, 1991 the members of this group had killed Sarpanch Najjar Singh Mangat of Bhaman village, who was believed to be a sympathiser of the Sikh militants, and took responsibility in the name of Sarabha Brigade. The Bhindrawale Tiger Force of Khalistan (BTKF) retaliated and killed the killers of the Sarpanch. They were identified as Ramji Dass, Babu Ram, Buta Ram and Amar (Singh) Dass. They were brought to funeral pyre of the Sarpanch and shot dead. Devinder Singh Paut of the BTKF took responsibility for the killing. After this incident, the police have been supporting the violent activities of these “Communists”. They are at liberty to harm anyone. They have created a terror in the neighbouring villages. They suspect that several persons of Kotgangurai village are harbouring and aiding the BTKF activists belonging to Paut group. That was why the Kotgangurai village had been invaded and ransacked.

The people of the area are afraid of the Sarabha Brigade. They do not go near the Bhoepur village, the sub-divisional headquarters of the Brigade in Ludhiana district. The gravity of the situation may be gauged from the fact that many a people advised the IHRO team against visiting the Bhoepur village.

These gangs of “Communists” independently or in collaboration with the “Cats” have been engaged in killing suspected sympathisers and harbours of the Sikh activists. Earlier they killed a number of political activists also. Important among them is the killing of Sikh Students

Federation (SSF) general secretary Satpal Singh Dhillon, Akali Dal (Mann) leader Major Baldev Singh Ghuman and Sant Sipahi Front leader Mohinder Singh Chaheru. They had shot at Master Amrik Singh, the district president of the Akali Dal, Jalandhar, and injured him seriously. In all the incidents, they claimed responsibility in the assumed name of "Indian Lions".

Rapists in militants' garb

Apart from these State-sponsored vigilante groups there are other individual gangs which are actively indulging in violent actions including molestation and rape of young Sikh girls and women in the villages in the garb of militants. A media report from Amritsar by Romesh Vinayak revealed such a gang. According to the report, members of this gang had made a number of women victims of their lust. Three of them were arrested by the Majitha police on February 24 while two others were identified. The gang members used to move around Majitha town and made secluded farmhouses their targets. Among the victims were a schoolgirl and certain married women.

Certain militant organisations had also announced rewards on the heads of the gang members. The gang members used to take away girls from their houses at gunpoint and drop the name of a top militant leader of the area to terrorise the family. After out raging their modesty they would sent them back. They usually claimed themselves to be members of a militant group. In certain cases, where the parents protested, the gang members threatened to wipe out the family. Not a single such case was taken notice of either by the police or the panchayat despite the fact that the gang had been operating for several months.

A minor girl raped

The cases became known when a 15-year-old girl was raped at a farmhouse in the presence of her elder sister who raised the alarm. Villagers chased the gang members and reported the matter to the police. The arrested members during their interrogation confessed to have raped at least six women in Majitha, Idgah and Rori villages. They also confessed that they were misusing the names of militants for their nefarious activities. Apart from indulging in rape, the gang members also forcibly took away 13 vehicles, including a car, which were recovered from them. An important pistol was also seized.

The policemen as kidnapers and extortionists

The matter does not end there. Even the police personnel, again in garb of militants, are involved in criminal activities. A report from Amritsar says that seven persons in police uniforms came to the house of Dharam Singh in an industrial colony on the Batala road on April 24 and forcibly took him away in a truck. Members of his family immediately informed the Vijay Nagar Police post suspecting that the kidnapers were militants as Dharam Singh had been getting threatening letters. A joint patrol party of the state police and CRPF intercepted the truck. They found the kidnapers to be personnel of Sadar Police Station. Seven kidnapers including an ASI who headed the Sadar Police Station were taken to the Vijay Nagar Police post, from where two of them "escaped", according to the residents. Amritsar Police Chief, Sanjiv Gupta, suspended other five police personnel including the ASI. An eye witness account revealed that the police officers posed as militants and took away Dharam Singh to extort money.

The families wiped out

The IHRO investigated and produced a series of reports suggesting false encounter killings in hundreds. A new phenomenon in evidence during the intervening period has been elimination of whole families including women and children. These killings have not only been disowned but also denounced by known militant groups including Panthic committees. Nevertheless, the media and the public opinion as a whole have been led to believe that the militants groups in Punjab were the culprits. However, the IHRO investigations do not bear out this charge fully. The militants groups do engage themselves in political assassinations of government security forces and police officials, members of rival factions and known police informers. However, they invariably claim responsibility for the killings.

Much has been written by the IHRO about the counter-militant death squads sponsored by the State and other vigilante groups. The case in hand investigated by the IHRO team comprising Gurbhajan Singh Gill, Mukeshinder Singh Dhillon and Naib Singh pertains to the killing of two young Sikhs of Tibba village in Sangrur District by the police and its "Cats" on April 8. The team met several villagers including parents of the victims and recorded their statements.

According to the investigation report, both Kuldip Singh alias Deepa (23) and Karnail Singh alias Happy (20) of Tibba village were picked up on the night of April 8 at about 11.30 PM by constable Gurcharan Singh of Sherpur police station, police "Cat" Devinder Singh Rasheen and a gang of six armed men posing themselves as militants. The young persons were killed the same night at a nearby drain outside the village.

Posing militants, Police kill Sikhs and Hindus

Quoting an eye witness account, the report adds that the Sherpur police first picked up Kuldip Singh from his house in the presence of his father and then they went to Karnail Singh's house. He was not there. His father informed them that he did not turn up that night. He might be at his shop in Gandasinghwala, a nearby village. They rushed to that village and picked up Karnail Singh from there. The eyewitnesses revealed that a red Hero Honda motorcycle (PIT-4782) was used in picking up both the Sikh "boys". According to the IHRO information, the motorcycle was forcibly taken from Jaloor village where the gang left the earlier stolen Chetak Scooter (PB-11-784). The same gang had forcibly taken Dr. Gokal Khan's jeep from the Gandasinghwala village and killed Rekha Rani, a Hindu woman, in Kheri village.

The villagers raised their voice against these killings and organised themselves to put pressure on the district police chief. The gang members were arrested in the presence of the public and later set free. It was a no more than eyewash since the culprits were roaming around freely and threatening Lakhbir Singh alias Jassi, the brother of Kuldip Singh and the other eyewitnesses.

"What, hand-cuffs for me?"

When constable Gurcharan Singh was being hand-cuffed along with others by the police officials in the presence of Sub-Divisional Magistrate (SDM), SSP and DSP, Sukhdev Singh Chhina under pressure of over 15000 persons gathered there, he protested saying that "first I am asked to murder certain targets and now I am being hand-cuffed by the same officers. It is injustice".

During the investigation some very interesting facts came to the notice of the team:

1. When Kuldip Singh was being over-powered by Constable Gurcharan Singh and Devinder Singh, Kuldip Singh had bitten them with his teeth. Gurcharan Singh when confronted by the villagers, was asked to put off his uniform and teeth marks were found on his body.
2. Early in the morning of April 9, Devinder Singh along with a plain clothed constable visited the house of Karnail Singh Happy and had warned him that he would be killed by the night. That was the reason why Karnail Singh preferred to sleep at his shop at Gandasinghwala and not at his residence in village Tibba.
3. When the police party had gone to the house of Sukhdev Singh in search of Karnail Singh, Sukhdev Singh had told his wife that the party was from Sherpur Police Station. He was beaten by the police officers with rifle butts telling Sukhdev Singh that they were "militants", not police officers.
4. The SSP Sangrur issued Devinder Singh a revolver but during the last Chhappar Mela, he lost it. When it could not be traced, the SSP issued another revolver to Devinder Singh and no action was taken against him because he had been committing crimes at the instance of the Police.

IHRO on April 19, while making its report public and giving a lie to the police version as reported in a section of the press, regretted that the media carried the police story without

verifying the facts. IHRO also called upon the print media to make spot investigations as the police often commit such crimes in the guise of militants.

The police high-ups involved in the killings

The fact that the culprits in this case were first “arrested” under pressure from the public and subsequently released clandestinely shows that high-ups in the police are involved in these killings and they are directly encouraging the ‘Cats’ to commit such crimes to put the blame on the Sikh youths. The IHRO recommended that the entire matter should be thoroughly investigated and persons responsible for extra-judicial killings and their mentors should be proceeded against howsoever-high positions they may occupy.

Apart from State-sponsored secret squads, “Cats” and police in uniform indulging in unlawful activities, individual gangs also operate to extort money from the people. A report from Patiala says that police after a chase arrested (May 11) Madan Gopal and Vinod Kumar, (sons of Pandit Banwari Lal, resident of Naleen Kalan) from near village Panjola. They were responsible for writing threatening letters to their targets. The Patiala police chief, Satish Kumar Sharma, publicly confirmed that a car bearing a false registration number, in which they were fleeing, had been recovered from them.

A married woman raped in police station

IHRO received a complaint from Patiala to the effect that three officials of Amloh police station had, criminally assaulted Paramjit Kaur (wife of Gursewak Singh, a resident of Ladpur). In a representation to the SSP Patiala, on March 19 she stated that Amloh police picked up her and her husband on February 11 last apprehending his husband’s involvement in some criminal case. While her husband was kept in the lock-up, two constables took her to the office of the SHO where they allegedly raped her. She has claimed that she brought the incident to the notice of the Judicial Magistrate in whose court she was produced at Fatehgarh Sahib on February 16.

The suspensions, arrests and registration of criminal cases against the vigilante groups, police “Cats” and security forces personnel notwithstanding, they are rarely punished. Nor the administration is interested in doing so. There do exist legal safeguards for the victims on paper but these are never applied in practice. Parents or next of kin of the victims have been moving from pillar to post to know the whereabouts of their wards but generally to no avail.

The murder of two innocent name-sakes

There is a typical case of this nature. According to a complaint made to the Deputy Commissioner, Amritsar, two name-sakes (One Harpal Singh belonging to Gaggerwal and another to Waring Mohanpur villages in Tarn Taran area) were picked up from the house of a bank manager in Mohni Park locality near Khalsa College, Amritsar in the afternoon of October 3 last year. The two youths, according to their parents, had gone to the city on October 3 to attend to domestic chores and the police did not want them in any case. Harpal Singh of Waring Mohanpur was employed in a private firm at Tarn Taran. Both were married and had one child each.

The next day (October 4), there was a report published in a newspaper about two unidentified youths having been killed in an encounter with the police in the Sultanwind locality during the intervening night.

Sensing foul play, the parents approached an Akali leader, Harbhajan Singh Sandhu, who inquired from the local police. The police at first denied having taken any Harpal Singh in custody. However, later, a senior officer confirmed that the two were “let off” after a few hours of detention.

Inquiries with the police about the identity of the youths killed in the city on the night of October 3 did not yield anything. Mounting public pressure made the police show the photographs of the “killed, unidentified militants”, whose bodies were cremated without being declared unclaimed for at least 24 hours.

The parents recognised the photographs as those of their missing wards. The police, however, insisted that the youths were not named Harpal Singh and refused to show the clothes of the deceased to their parents.

Several local leaders took up the matter with the Deputy Commissioner, but nothing came out. It was on the intervention of the then State Chief Secretary, S L Kapoor that a magisterial inquiry was ordered into the episode.

The inquiry conducted by the Sub-Divisional Magistrate, L D Hans, has clearly established that the police without the registration of any case against them rounded up the youths.

Top police officials boycott the inquiry

Magistrate Hans submitted his report to the Deputy Commissioner, Sarabjit Singh in April and he reportedly accepted the findings.

During the conduct of the probe, lasting nearly five months, the magistrate cross-examined more than two dozen independent witnesses and junior police personnel. He also collected circumstantial evidence from various sources before reaching the conclusion.

However, surprisingly enough, none of the police officials including SSP, Sanjiv Gupta, connected with the disappearance of the youths, turned up before the inquiry officer despite repeated summons.

The report noted that the police had failed to establish that the youth were let off. It also did not pinpoint the responsibility of any official.

Several eyewitnesses, who deposed before the magistrate confirmed that the said youths were apprehended in full public view and severely beaten up before being bundled into the police vehicles.

The inquiry report also noted that the police did not record the rounding up of the two youths nor was any weapon recovered from them. The police could not relate the place and time of their "release" and did not even mention at whose guarantee were they let off.

Sanjiv Gupta maintained that he had not so far received a copy of the report. He, however, insisted that the police let off the said youths. The police, he told the media, did not maintain the record of each person apprehended for questioning.

Instead of further investigating the matter as suggested by the magistrate, the administration is learnt to have closed the matter. The Deputy Commissioner has written to the parents of the youths merely informing them that the inquiry could not trace their sons and that they were not in police custody.

The parents of the youths have now decided to sue in the Punjab and Haryana High Court to get justice. God knows what justice will the parents get from the High Court as the judicial authorities failed to prosecute any police offenders. Moreover, the recent amendment to the Cr. P C insulating the police and security forces personnel against any probable legal action is a pointer to the shape of things to come.

A clean-chit for Brigadier Sinha

A statement by the Punjab Government spokesman, reported in a section of the press on April 13, giving a clean chit to a Brigadier (R P Sinha of the Indian Army) who abused and insulted Panches and Sarpanches of the Amritsar district at village Sarangra on March 8 and who had made derogatory remarks about their womenfolk, is a clear signal that "The king can do no wrong". The IHRO investigations showed that the Brigadier had threatened the villagers that all male members would be killed and their women folk taken to army camps to breed a new race if there was any militant activity in their villages. The Brigadier's activities reveal the worth of the Prime Minister's claim that the army was deployed in the State for conducting "routine exercises". Killing of six innocent Sikh farmers at Nathuke Burj village in Amritsar district by the army is also a telling story of how the army is conducting itself in Punjab.

According to information collected from different channels by the IHRO, six villagers of Nathu Chak riding an ox-driven cart were on their way to petrol pump to fetch diesel in the early hours of February 26. As they neared Nathuke Burj village, they were asked by an ambush party of the Army to stop. They did not heed the order. The army personnel opened fire without warning, killing four of them on the spot and injuring the other two. The tow succumbed to their

injuries before being shifted to hospital. The incident took place around 4.15 a.m. By 6:00 AM, a large number of villagers from the surrounding areas gathered and sat on dharna around the dead bodies.

“Routine exercises” or active duty

The slain persons were identified as Balbir Singh, Pargat Singh, Mehar Singh, Swaran Singh, Charan Singh and his 15-year-old son Bobby. The people became tense around morning when the strength of the villagers swelled into thousands and they threatened that they would not allow the police to lift the bodies. They were insisting on a judicial inquiry into the incident to bring the guilty to book. The demonstrators relented after the Deputy Commissioner assured that a case would be registered at the police station.

Significantly, the Army personnel were on an active duty contrary to the government's assertion that the troops were only deployed along the border to check infiltration. The arrogance of the troops can be estimated from the fact that they shot dead even the ox pulling the cart after the incident.

Over 5000 residents of Jhika Ladhana village near Banga in Jalandhar district on April 8 ended their 24 hour gherao of Banga police station following registration of a murder case against the policemen who had shot dead one Piara Singh, a taxi driver, near Moranwali village on the night of April 6. According to the IHRO information, Piara Singh's car was stopped by the police party comprising ASI Santokh Singh, head constable Chaman Lal, constable Manjit Lal, SPO Balwinder Pal, Home Guard Jawans, Balhar Singh, Paramjit Singh, Balwant Singh and Rajinder Kumar. He was dragged out of the vehicle and shot dead. The police version that police was conducting a search of the vehicle when another car coming from the opposite direction opened fire leading to the killing of Piara Singh and the occupants of that car were militants is totally false and fabricated to cover up their guilt. The victim was shot in the temple from a close range.

How two youths were eliminated?

In yet another case, the Bathinda Deputy Commissioner Darbara Singh “Guru”, had to order a magisterial inquiry into the killing of two youths, Major Singh (30) and Paramjit Singh (27) by Raman Police on April 28 near Takhanwala village. The inquiry order was the result of a demonstration and dharna held by a large number of Sikh Students Federation and Akali Dal workers in front of the Deputy Commissioner's office.

IHRO investigations show that a police party of Raman police station led by ASI Manohar Lal picked up the two youths on April 28 at 7.30 am in full view of the public when they were going from Mahi Nangal village to Bathinda on a scooter. They were killed on the same night in a stage-managed encounter near Takhanwala village. Their bodies were not handed over to their relatives. The victims had been seen in Raman police station by their relatives immediately after their abduction by the police at 8.30 PM. The District Magistrate deputed the SDM, Talwandi Saboo, as inquiry officer to enquire into the matter.

Major Singh (son of Dasaundha Singh) belonged to Bathinda City and his brother Harpal Singh is president of Gurdwara Singh Sabha. Paramjit Singh (son of late Chand Singh) was resident of Mahinangal village near Bathinda. Both the youths were not in any way connected with the Sikh struggle nor were they wanted by the police in any case.

There was a story reported in a section of media on April 10 that the Rampura police in Bathinda district killed one Darshan Singh in an encounter. According to information available with the IHRO, the police shot at the youth. He fell down. The police took him to Rampura Civil Hospital for post-mortem. The doctors found him alive and started treating him. The police was “astonished”. They got him discharged from the hospital and shot him dead by stage managing an encounter again.

The death and destruction of the people of Punjab, especially the Sikhs, at the hands of the security forces is rampant. Extortion of money for the release of persons illegally detained by the police and paramilitary forces is frequent. The IHRO receives complaints of disappearances of Sikhs and their womenfolk daily. It is impossible to investigate all the complaints. A few

other non-party organisations and individuals including journalists, also go into some of the instances. No other known international human rights organisation is permitted to enter Punjab to monitor the human rights situation in the State.

The shocking story of Bhai Padda

The IHRO took up a case of Khalistan Commando Force activist Jaspal Singh Padda (24), who was killed by the Kapurthala Police in an alleged encounter on April 13. The police have been held responsible also for the deaths of his father and grandfather. The whereabouts of his mother remain unknown. The police picked her up in the month of June last year.

The report on the agony of the family of Lakhan Ke Padde village in Kapurthala district has been documented by the IHRO committee comprising D S Gill and Mohinder Singh Grewal which was released to the Press on April 25. The committee members met several villagers and relatives of the deceased Jaspal Singh including his younger brother Rajpal Singh (20).

According to the report, ASI Narinder Singh Rana of Dhilwan police earlier picked up Jaspal Singh in May, 1989. He was brutally tortured in the presence of his father Narinderjit Singh (45) in the police station. The ASI threatened the father that his son would be killed by tomorrow and he should see his face for the last time, if he so liked. He could not bear the threat and died of a heart attack the next morning. The death of his father for sometime saved Jaspal Singh from being killed by the police. Under pressure from the village panchayat Jaspal Singh was produced in the court and sent to Kapurthala Jail.

Jaspal Singh Padda was then the president of the Sikh Students Federation (Daljit Singh), Kapurthala Unit. He came out of jail on bail. Due to frequent raids, searches and harassment by the police he went underground and joined the ranks of Khalistan Commando Force (Panjwar) in May 1990.

The mother “disappears” after arrest

In the meantime, a police party led by Inspector Jagjit Singh of Bholath Police Station and Sub-Inspector Dilbag Singh and Santokh Singh of Subhanpur Police Station raided his house in the early hours of June 19, 1990. The police abducted his mother Bakhshish Kaur (42) from the house in presence of her near relatives and village elders. Jaspal Singh's grand father Darbara Singh (66) made frantic efforts to get his daughter-in-law released from the police clutches, but all in vain. The grand father lost his life on August 14 due to shock and humiliation that his daughter-in-law was in police detention and he could do nothing to secure her release.

Besides his mother, several other relatives of Padda including his paternal uncles, Surinderjit Singh (55), Sohan Singh (36), Gurnam Singh and Satnam Singh (90) and maternal uncle Harbans Singh (of Ambala Jattan village in Hoshiarpur district) and brother Satpal Singh (22) were picked up, harassed and tortured by the police just to seek surrender of the KCF leader Bhai Padda. Satpal Singh, in the meanwhile, left home for Germany to save himself from the police oppression as he was badly tortured during his illegal police detention.

Even as the fate and whereabouts of his mother remained elusive Bhai Padda along with Mandip Singh and Rajwinder Singh was killed on April 13 in an alleged police encounter at a nearby village Jairampur.

IHRO headquarters received a letter in the month of February this year from the late Bhai Padda describing the incident of his mother's abduction by the Bholath police. The organisation failed to locate her despite its efforts. The State authorities are adamant against entertaining such complaints. Bhai Padda's brother Rajpal Singh, the only member of his family now living in the village, has lost all hope to see his mother. The police might have killed her by now, said Rajpal Singh to the IHRO team.

It is not only the Punjab Government which does not come to the rescue of the victims but even the Punjab and Haryana High Court has also stopped treating as writs for Habeas corpus telegrams received by it from parents and human rights groups seeking whereabouts and production in the court of the persons picked up by the police or the security forces. The Punjab

and Haryana Bar council at Chandigarh has so far failed to take up this issue with the Chief Justice of the High Court.

No relief for the victims

IHRO, despite persistent attempts to establish whereabouts of a number of abducted persons during the month of April, failed to get any relief. A few cases are worth mentioning. The organisation sent telegrams to the Chief Justice of Punjab and Haryana High Court and Punjab Home Secretary seeking the release or production in the court of Jaswant Singh, an Ex-Indian Air Force employee, and Randhir Singh, an employee of Punjab Roadways, Nangal (both sons of Mahela Singh of Sudhar village in Ludhiana district). Faridkot police picked them up on April 1 from their village. The father and village panchayat, in the meantime, contacted the police to know their whereabouts. The police admitted that they had been abducted because their relative, Manohar Singh Dheera, an activist of the Khalistan Liberation Force (KLF) had abducted Faridkot S P Kehar Singh's son. The panchayat also wrote to Punjab Governor and Deputy Commissioner on April 8 affirming that Jaswant Singh and Randhir Singh had nothing to do with the KLF activist Manohar Singh Dheera. A deputation led by advocate Om Parkash Attre met the Governor (General) Malhotra at Raikot on April 10 seeking the release of the "boys". The Punjab Roadways Employees Union, Nangal, observed strike for several days. However, the victims were subsequently released without as much as an apology.

Meanwhile, over 300 Panches and Sarpanches of the villages demonstrated in front of Punjab Raj Bhawan on April 16 against repression unleashed on members of panchayats and disappearances of Sikh youths at the hands of the police. They met the Governor, threatened to resign from the panchayats and sought the immediate release of hundreds of Sikh young persons kidnapped by the police from different villages. They complained that they were often brought to the police stations and humiliated.

How the village mayors are treated ?

Sarpanch Nahar Singh of Kukralla village explained how he along with former Sarpanch and four others were picked up on April 5 by the police and taken to Garhi Interrogation Centre and were tortured for three days. Similarly, Panch Piara Singh of Lakhapur explained his story of harassment. Bharti Kisan Union (BKU) General Secretary Balbir Singh Rajewal led the demonstration. The BKU leader explained yet another case to the Governor that the Panchayat of Nawin Jattan village produced a youth Balkar Singh before the police on April 6. DSP assured them that the boy would be released after investigation. He was not released nor did the police disclose his whereabouts.

The Governor gave them patient hearing. The IHRO is yet to know what relief did they get after meeting the head of the State. However, there is not let up in operations against the Sikhs in Punjab.

The Sikhs are not allowed even to hold peaceful functions. About 1000 persons, mostly members of the Sikh Students Federation, the Akali Dal and sundry human rights activists were prevented from attending the proposed congregation to be organised at Khalsa College, Amritsar, on April 9 by the Sikh Students Federation (Butter).

Deploying a large number of security men sealed all entry points to the collage. The people who tried to reach the venue were stopped at the gate and denied the entry. Several workers and leader were detained and later let off. An unspecified number of federation workers in the college were rounded up to prevent the holding of the function.

A IHRO WATCH May 1991

The findings of the U S Congress on the human rights situation in India were indicative of the fact that the Government of India did not co-operative with international human rights organisations in their effort to conduct human rights investigations in the country. It limited their access to areas of conflict such as Punjab and Kashmir.

The Congress called upon the Government of India to take action to promote adherence to international human rights standards and to pursue "discussion and dialogue" with representatives of a broad spectrum of the populations of Punjab, Kashmir and other areas of civil conflict, in order to encourage a better understanding of grievances within those areas and to promote the process of political reconciliation.

Congressional representatives Dan Burton and Wally Herger were not without vocal supporters on the floor of the house. Democrat Congressman too blamed the Indian Government for resorting to violence to suppress dissent and separatism in Punjab and Kashmir. He quoted a recent report by Congressional Research Service as saying that in Punjab and Kashmir, "the centrally controlled paramilitary forces are generally composed of non-indigenous people who could be said to have little regard for the lives of the local people".

Respect human rights, Japan tells India

Despite all this, India did not bother to clean up its record in human rights. That was probably the reason why Japan, a political power backed by its newly acquired economic clout, put up politico-military conditions including the one of respecting human rights before it gave aid to developing countries especially India. The Japan's aid policy would highlight the importance of human rights.

A document on "Japan's ODA (Official Development Assistance) in relation to military expenditure and other matters of developing countries" prepared by the Japanese government says that hereafter no country can take Japanese aid for granted. It may not be denied, but "it has to be earned".

Before deciding grant of aid, Japan will pay full attention to conditions such as : (1) trend in an aid receiving country's military expenditure, (2) development and production of weapons of mass destruction by a recipient, (3) trend in export and import of weapons by a recipient, and (4) efforts made by an aid receiving country to democratise itself, safeguard human rights, and promote market economy. A note to this effect has been sent to governments receiving Japanese DO including India, PTI reported on May 2 from Tokyo.

Japan, the largest economic aid giver to India

Japan's aid policy until now was limited to the study of the economic and technical viability of a project for which DO is sought. It never concerned itself with human rights, military budget, defence production, or economic ideologies such as India's mixed economy or the socialist pattern of economy. But now these things are going to be reviewed if the stated conditions are to be enforced.

The latest formulation says that Japan traditionally provides ODA to help developing countries meet the problems of poverty and famine as their development is essential to the peace and prosperity of the world. The political conditionality being enforced now is a post-Gulf war development, which is expected to prepare Japan for a major political role in the New World order.

Japan is the largest provider of development funds to India. The PTI report revealed that the Indian government had been informed of the new aid conditions. Not only that, even the US State Department, which until recently had been reluctant to speak out against India, took note of the violation of human rights by the Indian security forces in its annual report (1990 Human Rights Reports, February 1, 1991).

US State Department indicts Indian security forces

The report says : "Over the four decades since India's independence, control of law and order operations has moved increasingly under the Home Ministry. This tendency stems in part from the rapid growth of the intelligence bureau, which function with little reference to the state governments, and in part from the increased use of paramilitary forces against armed insurrectionists in disturbed areas. These forces are deployed in Kashmir, Punjab and northeastern States. Both paramilitary and police forces have been responsible for significant human rights abuses".

State and individual violence, the report adds, has taken 4,987 lives during the year 1990 in Punjab, where militants are demanding a separate Sikh State, Khalistan. Exact numbers killed by either side cannot be determined. Press statistics showed the breakdown of deaths to be 3,261 civilians, 467 security forces personnel, 1,194 militants, and 65 persons the Government claims crossed into from Pakistan.

According to the US report, Sikh organisations continued to complain about the government's failure to prosecute those responsible for deaths of over 3,000 Sikhs after Indira Gandhi's assassination in 1984. On June 1, 1990, the Home Ministry announced that the Government would expedite the disposition of 118 cases out of 225 pending before the courts. Of the 107 cases tried, 11 ended in convictions, of which ten were for minor offences. Six persons convicted of murder in the 11th case remained at large. Critics charged that the principal instigators of the anti-Sikh violence were protected from prosecution by their high political visibility, and that none of those arrested were major figures in the mass killing of Sikhs.

Special laws protect security forces

Law prohibits torture and cruel treatment or punishment, and confessions or information extracted by force may not be admitted in court. Significantly, however, under section 15 of the Terrorist and Disruptive Activities (Prevention) Act (TADA), a confession made to a police officer is admissible in evidence. The frequent press accounts of police brutality in obtaining confession from detainees under this law have fuelled widespread criticism of police excesses, the State Department report adds.

Indian press and human rights groups continued to document allegations of torture and abuse of detainees by police including beatings, burning with cigarettes, suspension by the feet and electric shocks. Under the special powers given to the security forces, they are not liable for prosecution for their actions in civil courts.

The judicial authorities in Punjab, the report further states, failed to bring to trial certain police offenders. In March, 1990, a Punjab and Haryana High Court judge ordered the release of three young persons (Devinder Singh Pujari, Rajinder Singh Pappu and Baj Singh Jago) held in detention for months by the Central Reserve Police force (CRPF) in Amritsar, Punjab, without reporting their detention to the judicial authorities. A High court warrant officer was unable to get the judicial order enforced, and youths were removed to another unknown location (India's secret Black-holes, an IHRO report).

The US is sensitive to IHRO reports

The US State Department official acknowledged that the Bush Administration was sensitive to the litany of human rights violations that D. S. Gill of the Punjab Human Rights Organisation (IHRO) had provided at the National Press Club (November 13, 1989) where he was invited by the Club as the morning newsmaker, according to IANS.

Besides the US Congress and the State Department's concern on the human rights situation in India, the United Nations Human Rights Committee has unofficially recommended India review its anti-terrorist laws.

The recommendation, according to New York based India Abroad Newsweekly (April 16, 1991) was made by almost all the members of the committee at the end of a two-day discussion on a report submitted to the committee by India. The report addressed the government's compliance with the international covenant on civil and political rights, one of the two covenants of the international bill of human rights.

Committee members referred specifically to India's Armed Forces (Special Powers) Act and the Terrorist and Disruptive Activities (Prevention) Act, which, they said, gave the Indian armed forces wide powers to kill without any accountability and violated international covenants.

The 18-member UN Human Rights Committee consists of experts in the field who serve in their private capacity and who are responsible for monitoring the situations in the 93 states that are parties to the rights convention.

Some members of the committee said that the many reservations expressed by India in its report to several articles of the covenant amounted to non-acceptance of the international document.

UN Human Rights committee chides India

They also expressed concern that under anti-terrorist laws, detention without trial is allowed, and they are concerned about reports of torture of prisoners in detention. Committee members also said that the Armed Forces (Special Powers) Act was an emergency measure with no time limit.

Rosalyn Higgins, a British expert, said that the special powers act gave security forces the right to use "death-dealing weapons" but that personnel using such weapons are "not accountable." The Act allows security forces to shoot at sight, conduct summary trials and detain prisoners without a warrant.

Members said the authority given by these laws was all the more worrisome because the Indian Penal Code did not have specific laws protecting citizens against torture but rather depended on a case history of interpretation of a general constitutional guarantee of protection of life and liberty. Bertil Wennergren of Sweden said that "Such general references are not enough. They must be clearly expressed, otherwise it is difficult to see if the covenant really applies".

Nisuke Andm of Japan said that answers given by Attorney General G Ramaswamy to the UN committee's concerns were legally correct, but that "too legalistic an approach may not be productive" and that "too much stress on a nation's sovereignty may be counter productive in the protection of human rights".

Indian courts fail to punish the police offenders

Several committee members said that not only did these anti-terrorist laws contradict international covenants on human rights, but also that human rights organisations in India and outside, had documented abuses by security forces and the failure of the government machinery to try them for such abuses.

Christine Chanet, a committee member from France noted that special tribunals set up under the laws held hearings in secrecy, with neither the site of the hearings nor the identity of the suspects made public. She said such secrecy violated human rights.

Ramaswamy refused to reply to Amnesty International members' charges. He said the organisation took into account only one side of the story and thus was not impartial. If the UN committee requested investigation into some of the cases cited, the government of India might consider the request, he said.

The UN bodies did not prove to be effective because their recommendations are not binding on the Indian Government. The UN is not a disciplinary organisation. Similarly voluntary human rights organisations like Amnesty International and Asia Watch so far have failed to move the Indian Government. What is, therefore, needed is a concerted international effort to pressurise India to see reason.

U K proposes to deport a Sikh

Meanwhile, the IHRO headquarters received an information from its London office that British Home Office panel was considering whether to deport a pro-Khalistan activist Karamjit Singh Chahal alias Bhau (42).

According to IHRO, UK Branch Coordinator, Manjit Singh, a preliminary decision on the first such case would be taken by three members of an advisory panel formed by the British home office to hear deportation case. In case of an order against Chahal, his supporters are expected to ask for a judicial review on the ground that he is a refugee. He can also appeal to the European Human Rights Commission in Strasbourg.

The home office ordered the Sikh activist out last year for his alleged involvement in Gurdwara disputes and was retained under the National Security Act (NSA). The panel and the British government are under pressure from the human rights activists to stop his deportation to India.

IHRO took up the matter

It is recalled that the IHRO took up Bhau's case and sent telegrams on August 19, 1990, to the UN Under-Secretary-General, Jan Martenson, the British Home Secretary, David Waddington and the Amnesty International for immediate intervention in Chahal's case of proposed deportation to India.

The telegrams were followed by a 20-page brief to the UN and British home office, which expressed fear that Karamjit Singh was likely to be tortured, maltreated and even liquidated as was the practice here in case he was deported to India.

IHRO understood that he was an avid advocate of a separate Sikh State, Khalistan, and was engaged in enlightening other Sikhs in the UK on this issue. He was an active member of the International Sikh Youth Federation (ISYF) and keenly participated in the Sikh Gurdwara affairs.

Khalistan activist's relatives tortured and killed

Close relatives of the Bhau were earlier subjected to humiliation, torture and killing in police custody. His married sister Sharanjit Kaur (35) and her husband, Manohar Singh Khaira were badly harassed. The Jalandhar police picked up both on October 18, 1989 from their residence in the city. Manohar Singh was detained under NSA and charged for harbouring and aiding terrorists under sections 212/216 IPC and 3/4 TADA. Both were brutally tortured by the police with a view to extract information. Manohar Singh was sent to jail while his wife was set free after keeping her in illegal police custody for a couple of days.

Karamjit Singh's sister and brother-in-law were made victims because the police had allegedly arrested Chief General of Khalistan Commando Force (KCF) Kanwarjit Singh Sultanwind and Panthic Committee member Nirmal Singh Mianwind from their house. They were said to be close relatives of the Bhau.

Kanwarjit Singh and Nirmal Singh, who were arrested from Manohar Singh's residence on October 18, 1989, were neither produced in any court nor were they set free. They were summarily executed the same day. Later the police came out with a concocted story that when both the militants were being taken away in a jeep near Sutlej Cinema, Nirmal Singh jumped out of the jeep and tried to run away. The police asked him to stop but he did not, so the police fired at him and he fell down. In the meantime, Kanwarjit Singh too attempted to escape but he was soon apprehended. He consumed cyanide. Both died while they were being taken away to the hospital.

However, the IHRO investigation then made by its team rebutted the story. According to the team, both the militants were taken to an undisclosed place by the police immediately after their arrest and were killed in cold blood. Their dead bodies were then carried in a CRPF jeep near Sutlej Cinema, Nirmal Singh's body was thrown out of the jeep and fired at by the CRPF personnel. Later, the police told the bystanders that he was killed in an 'encounter' and the other one consumed cyanide in the jeep itself. According to IHRO information, Manohar Singh was not there when the police raided his house. He was picked up later during the day along with his wife.

The aged father & mother not spared

The Jalandhar police also raided the Bhau's native village, Kaleke in Amritsar district, on October 18 at night and arrested his father Bhagat Singh (80), mother Charan Kaur (78) and his elder brother Shingara Singh's two sons, Kulbir Singh (25) and Jasbir Singh (21). Shingara Singh himself was not at home at the time of the raid. They were brought to Jalandhar where they were kept in illegal custody for a week. During their detention, they were harassed, maltreated and abused. Karamjit Singh's father, mother and sister (Sharanjit Kaur) were released after one week and his nephews Kulbir Singh and Jasbir Singh were handed over to the Amritsar police. They were illegally kept at Mail Mandi torture chamber and, according to

family information, they were subjected to third degree and most inhuman methods there. Finally, they were handed over to Mehta police in Majitha police district on November 9.

The Mehta police framed them in a criminal case under TADA alleging that both had addressed the meetings of the village folk and were instigating people to organise themselves for forming Khalistan. It was also alleged that they instigated people to kill Hindus of the area to spread terror among them. They were also alleged to fight the Indian State and win the war for Khalistan.

His father-in-law Gurvail Singh and brothers-in-law Navnit Singh and Nirbhai Singh were also harassed and prosecuted by the police when Karamjit Singh last visited India in 1984.

The Bhau tell the story

The IHRO received a copy of an affidavit of Karamjit Singh sworn at Hounslow Law Centre (UK) on June 18, 1985, in which he had described how he was arrested along with his brothers-in-law and treated by the police.

“I was arrested on 30th March, 1984 by Indian Police at Mehta Chowk in the district of Amritsar. The police had no warrants but alleged illegal possession of arms and police confrontation. Two other arrested along with me were Navneet Singh and Nirbhai Singh.

“We were taken from the scene of the arrest to Mehta Police Station. Shortly after the arrest, my parents sent a lawyer named Gurmail Singh Gill to meet me after which I was taken to a cell. The Police had said nothing of my rights to see a lawyer.

“The conditions in the cell in which I was detained were appalling. It was a room barely 10’ by 7’ in which on an average 14-15 prisoners were kept. There were no lights, no fans and no ventilation, making conditions in the cell stifling. There were no toilet facilities available except for an urn at one end of the room for relieving oneself. Occasionally the Police would take us handcuffed to an old discarded truck kept for toilet purposes.

“No food was provided by the authorities. The only sustenance we received was that food which was occasionally let through from my family.

“Sometimes the cell population would go as high as 20 prisoners resulting in severe overcrowding and making any movement very difficult. During my nine-day stay at this prison, not once were we given any bathing or cleaning facilities.

“There were five of us who had been arrested in connection with having links with Sant Jarnail Singh Bhindranwale. Only we five were kept handcuffed all the time”.

“At night, the Police men would come, in a drunken state, to the cell and take one of us outside into the open and lay us face down on the ground and beat us with wooden staves until we were unconscious. Only prisoners suspected of having links with Sant Bhindranwale were subjected to beatings.

Electrification of the organs

“After my ninth day at Mehta Police Station I was transferred to CIA Staff, a special investigations unit at Amritsar. I was kept there for over ten days without the right to visitors, correspondence or medical treatment.

“I was locked in a room approximately 9’ by 9’ which was totally enclosed and had no openings such as windows or ventilation. The conditions there were very hot.

“At night I was subjected to systematic torture by the police within the confines of this room. This consisted of electrification with a live wire of several parts of my body, the scars of which I still bear. Also I was made to lie on a hot plate and bright light was shown in my eyes making any rest or sleep impossible. I was also badly beaten by police using sticks. This torture was carried out each night and throughout the night. Whilst beating me, the police would keep asking

me where I got weapons from even though I denied possessing any. I felt that they were going to kill me”.

“On the seventh night at about 1.00 am, I was taken out of my cell and bundled into a jeep which apart from the driver contained one Police Inspector and four policemen, all of them were drunk and armed”.

“I was blindfolded before the jeep was driven off and whilst inside the jeep I was subjected to beatings by the police officers using rifle butts”.

“I was driven 25 miles or so to the edge of the river Beas. There I was taken out of the jeep, still blindfolded, and told to run. I refused to budge since I knew that if I ran I would probably be shot for trying to escape. I was then hit by rifle butts and flung onto the riverbank.

“I lay motionless by the river edge for about five minutes, then I got up and took off my blindfold. One police officer again said, “Run, we are going to shoot you”. However, I again refused to do so, even had I wanted to run I would have been unable to, so severely had I been beaten.

“The Police wanted to kill me”

“Eventually two of the policemen came down the bank and took me up and put me back in the jeep and said that they were sparing me”.

“A couple of days later, I was transferred to Gumtala Jail where no further torture was carried out. At this point of time I was extremely weak, unable to walk and my eyesight suffered due to the bright lights I had been subjected to. I was eventually released on bail, and my case was still pending when I escaped to Britain”.

The police, having failed to get anything, falsely charged them under the Arms Act in a case FIR No 99 dated 18.4.1984. When they came out of jail on bail Karamjit Singh immediately left the country. Navnit Singh and Nirbhai Singh in the meantime, were acquitted by the Designated Court at Amritsar on September 21, 1985.

The Jandialla (Amritsar) police, too, prosecuted earlier Karamjit Singh’s father-in-law Gurvail Singh, under TADA.

Of late, the Mehta police picked up Nirbhai Singh (31) on November 18, 1990 when he was coming to his village on scooter near Jalah Usman village. He was shifted to the Mall Mandi, Amritsar the same day. His father Gurvail Singh sent registered letters on 19.11.90 to Punjab Home Secretary, Chief Justice of the Punjab and Haryana High Court and IHRO seeking their intervention in the matter as he feared liquidation of his son at the hands of the police. The IHRO received no information after that.

Nirbhai Singh was, perhaps, picked up by the police as he had been helping the IHRO in its task of sending representations abroad opposing the proposed deportation of Karamjit Singh.

U K urged not to deport Karamjit Singh

So, given the liquidation of Sikh youths in faked encounters by the Indian armed forces, especially those considered “terrorists” and those targeted for their peaceful political activities, Karamjit Singh’s deportation to India would make him vulnerable to such risk of elimination. Even the marked supporters and protagonists of Khalistan were shot dead in cold blood inside jail. IHRO, in its report, The killing in Sangrur Jail (The Fascist Offensive in Punjab, pp. 57-61), has given a detailed account of how three under-trials were killed as a result of police firing in the jail on October 14, 1987.

In light of these happenings, the IHRO tried to impress upon the UK government in its representation that Karamjit Singh should not be deported to India and be tried in the UK court if he had violated any law of the land.

A monthly watch by IHRO

During May, 1991, the security forces in Punjab, according to IHRO information, liquidated 243 active Sikhs in different ways. Of them, 164 were killed in alleged armed clashes with the police and paramilitary forces, 32 were laminated allegedly in inter-group rivalry, 38 others were killed by either police “cats” or state sponsored vigilante groups.

104 Sikhs connected with the ongoing Punjab struggle were arrested by the police, 44 Sikh activists disappeared at the hands of the security forces and the whereabouts of a number of others earlier abducted by the police remained unknown.

Militant violence on the other hand, took 231 lives of security forces personnel and others during the month of May. 48 security men were killed and 72 injured as a result of armed clashes with militants. Over three dozen civilians, both Hindu and Sikh, became target of militants’ wrath. They were shot dead by militants allegedly being traitors, police informers or “cats” etc. Eleven persons including police officials and their relatives were abducted by militants to counter the kidnapping of militants’ relatives by the police.

The militants killed in the alleged encounters included Panthic Committee member Amrik Singh Harchowal, SSF (Daljit Singh) activists Baldev Singh Bhakumajra and Gurmit Singh Ropar, KLF (Budhsinghwala) Lt. Gen. Ravinder Singh Kaleke, KCF activists Balvinder Singh, Rajbir Singh, Gurmit Singh and his wife Balwinder Kaur, Charan Singh and Manjit Kaur, BTKF activist Prabh Singh Canadian and Babbar Khalsa International activists Jaswinder Singh Kala, Nishan Singh Saifdipur, Harjit Singh Jauhgrian, Devinder Singh and Jagtar Singh. A number of Sikhs were killed in the “encounters” as unidentified militants.

The systematic liquidation of Sikh youths

A systematic elimination of Sikh youths, after they were picked up from their homes or from their relatives’ houses, was carried out unabated. Out of 32 killed in “inter-group warfare” included KCF activists Lakhbir Singh Lakha, Karnail Singh Babbar Kundan Singh, Bhupinder Singh Bhinda, Gurnam Singh, Ravinder Singh Gora, Tarlok Singh Kotla Sadar, Darshan Singh, Sukhdev Singh, Sikander Singh and Paramjit Singh, 21 other youths were also killed in the same fashion. They were shown as unidentified terrorists. The police claimed to have recovered their bullet-ridden bodies from different places.

Nine youths, who had been shown to have died by taking cyanide either in police custody or its dragnet, included Tejpal Singh Bhakumajra, Balbir Singh Gujran, Major Singh (KCF), Rachhpal Singh Kabutar, Babbar Jagir Singh and Jagir Singh Begowal. The other three who allegedly took poison were shown unidentified.

After the killing of six innocent Sikh farmers at Nathuke Burj village in Amritsar district by the army, the second major action it launched was on May 25-27, 1991 at Sangha village near Tarn Taran. Gangrape and molestation of Sikh women followed the army action in which seven Sikhs were killed on May 26.

IHRO made investigations into the incident. A team comprising D S Gill and Mohinder Singh Grewal visited the village for an on-the-spot investigation. They recorded statements of more than two dozen victims and eye witnesses who gave harrowing details of the murder, mayhem and destruction caused by the army and the paramilitary forces, apart from pointing out cases of gangrape.

Colonel B C Lugwal, Commanding Officer of the Second Battalion of the Dogra Regiment, commanded the security forces.

Army killed six Sikh devotees

According to Lambardar (village revenue official) Shangara Singh and Avtar Singh, a member of the village panchayat, Jawans (army personnel) of the Dogra Regiment laid siege of the village on May 25 at about 11 PM (night) and remained stationed there for three days pretending to search for certain militants allegedly staying there. They were later joined in by men of the CRPF and the Punjab Police to make a total strength of more than 2000 men.

In the course of the operation, the army personnel killed seven persons including six Sikhs engaged in the construction of a Gurdwara in the village to perpetuate the memory of the sixth Sikh guru, Guru Hargobind. None of them was armed. Nor any one fired a shot at the army personnel. Two of them - Baba Kabul Singh and Balwinder Singh - were killed while they were travelling by a TATA 407 "Kar Seva" vehicle to Aladinpur village to meet the ailing 90-year-old "Kar Seva" Baba, Basta Singh.

An eye-witness revealed to the IHRO team that the "Kar Seva" truck was just near the village on May 26 at 5.30 am when army Jawans stopped the truck and asked Baba Kabul Singh, his driver Kashmir Singh and Balwinder Singh to get down. They came out and disclosed their identity. The army personnel opened fire saying that "You all are terrorists". Baba Kabul Singh and Balwinder Singh died on the spot.

The driver Kashmir Singh, wounded in the shoulder, fled towards the Gurdwara, hardly half-kilometre from the spot. He informed the other devotees about the killing of the Baba. He, too, was killed along with three other devotees engaged in the construction by the army near the Gurdwara. The other two killed were Gurdial Singh Gug (16) and Tillu (nickname). The third was thrown into a canal after he had been killed. Thus, he remained unidentified.

In addition, the only militant staying in the village, Major General Gurbhej Singh Bheja of the Bhindranwale Tigers of Khalistan Force (BTKF), consumed cyanide and died after he was hunted down, the Army Commanding Officer recorded in his FIR (No 11 dated 25.5.1991 lodged at Sadar Police Station, Tarn Taran).

The aftermath of the killings

According to the IHRO investigation, no encounter took place in the village and the security forces suffered no casualty. The killings of all the Sikhs were wholly unwarranted and unprovoked.

The aftermath of the killings was the gangrape and molestation of women, looting of the villagers' property and ransacking of the entire village. The men were separated from women by an order of the army announced over the Gurdwara public address system. All the men of the village collected at Gurdwara at about 8:00 AM on May 26 following the announcement. The women and children remained in their homes. In absence of male members of the families, the army NSG Commandos, the CRPF and the police then started house to house search of the entire village.

In the afternoon, the men collected at the Gurdwara heard an outcry of the women and children. A few old women came running and weeping to the Gurdwara around 6 PM. They informed the men folk that "their mothers, sisters and daughters are being made victims of sexual abuses including rapes. The armed forces are behaving like violent beasts".

Avtar Singh, member panchayat, along with Karnail Singh and Pritam Singh informed Colonel B C Lugwal about the misdeeds of the security forces but to no avail. The armed personnel continued trespassing into the houses and at gunpoint molesting and gang raping the women without any consideration of their age, married or unmarried, disclosed one Buta Singh.

Three CRPF men at gunpoint raped a 17-year-old unmarried girl (Darshan Kaur daughter of Bela Singh, a crippled old man). The security personnel also molested her mother (Chhindo) and maternal aunt (Harjit Kaur). In the course of the incident, the mother resisted. The CRPF men broke her arms. The father of the girl could do nothing as he was confined to bed. The only younger brother, Charan Singh was a captive at the Gurdwara.

The gangrape and molestation of Sikh women

The IHRO team interviewed the girl. It also met the mother-in-law (Sampuran Kaur) and sister-in-law (Harjinder Kaur, 15-year-old) of another newly wed victim (Sukhwinder Kaur, 20-year-old, wife of Jasbir Singh son of Karnail Singh) who herself was not present in the village for the IHRO interview. She was completely stripped and was gravely molested. She had returned to her parents' village for the unbearable shame of the incident. The mother-in-law and the sister-in-law were reluctant to reveal anything about themselves. According to some, they also

met the same fate. Sukhwinder Kaur (wife of Sarabjit Singh), yet another victim, is said to be similarly treated.

Sawinder Kaur (wife of Tara Singh) was brutally molested. Other victims of sexual abuses included Swaran Kaur (60), Sukhminder Kaur (46), Raj (21), Beero (48) and her daughter Chhabbi (18). The modesty of many other women were also outraged but they did not come forward to reveal anything because of various reasons.

A three-year-old daughter Sarabjit Kaur and a five-year-old crippled son Sahib Singh were snatched away from the lady victims in the process and thrown on the dunghill leaving them to no one's care.

Men and women interviewed by IHRO sobbed uncontrollably. Their gestures spoke of the horror rather than their words. "Worse could not have happened to us", they cried in one voice.

The ransacking of Sangha village

Besides the rape and molestation, the security forces, the villagers alleged, took away about half kg gold and Rs 65000/- breaking open locks of the Gurdwara and the entire cash and gold, cameras and tape-recorders and other articles from most of the households. For instance, from Makhan Singh's house the armed forces decamped with gold earrings and a finger ring. Mohinder Singh lost even the hired crockery brought by him for a marriage ceremony. Buta Singh had only Rs 25 and that too were taken away, according to a retired Sub-Inspector of Police, Rattan Singh, who was dubbed by some security men as terrorist when he requested them not to misbehave with the ladies and the children. They took away his son Balbir Singh's watch from his home.

Rattan Singh, the retired police officer, could be saved only on the intervention of a Police Inspector present in the party when the army personnel pointed their guns towards him during the altercation.

The above report was circulated by IHRO on May 31. It was ensured that leading newspapers such as The Tribune, the Indian Express, Ajit Patrika, Punjabi Tribune, Aj Di Awaz, the Hindustan Times and the Times of India received the Press release. Daily Ajit was delivered the release at Jalandhar.

Surprisingly not one newspaper carried the report. It was understood that intelligence agencies became active as soon as the news was delivered in the offices of the newspapers. Each one of those newspapers obliged the authorities by neatly blacking out the news. Barjinder Singh of the daily Ajit, however, later regretted that he could not carry the report.

The army and the paramilitary forces evidently were motivated by the urge to teach a lesson to the villagers in this part of the border district of Amritsar for sustaining militancy and generally to execute the threat given sometime ago by Brigadier R P Sinha of the armed forces to decimate the Sikhs and to give birth to a new race.

The question remains, why had the army picked up Sangha village for teaching the villagers a lesson? It was, probably, because the slain Chief General Sukhwinder Singh Sangha of the BTKF belonged to this village and for raising a memorial to him in the village. It was also aimed at avenging the humiliation suffered at a nearby Rataul village on May 9 by the security forces because it was the BTKF, which had given a fierce fight to the army and its outfits there.

Rataul encounter, the real encounter

In the Rataul encounter about half a dozen Sikh militants fought a battle with hundreds of Indian armed forces for two days before being killed. The security forces suffered a major setback when the (Border Range) Deputy Inspector General (DIG), Ajit Singh was killed and the Tarn Taran SSP Narinder Pal Singh was injured in the encounter. The other injured included DSP Sukhdev Singh Bhatti, SHO of Verowal police station, Surinderpal Singh, three constables of Punjab police, two Jawans of CRPF and two army personnel. The death toll of the security personnel, besides the DIG, included Constable Tejinder Singh, Constable Arjinder Singh and Amrik Singh.

From the militants side casualties included seven killed. They were all activists of the Bhindranwale Tigers of Khalistan Force (BTKF) namely Devinder Singh alias Harjinder Singh Pahalwan (Lt. Gen.), Lakhwinder Singh Lakha (Maj. Gen.), Jagtar Singh Bhorsi, Lakhwinder Singh Mughalchak, Kala Singh Walipur, Pahalwan's uncle "Chacha Fauji" and Shinder Singh Jammu.

The eighth killed by the security forces was Mazhbi Hazara Singh (about 80), a handicapped old man who had nothing to do with militancy.

The Indian army first denied its involvement in the encounter and falsely claimed before the media that its men had not suffered any casualty. Nearly 1000 Indian army personnel participated in the battle and Major General Sharda inspected the spot after it was all over.

Baba Manochahal was police's target

On a definite information from intelligence agencies that a top militant leader Baba Gurbachan Singh Manochahal was to hold a meeting about the proposed elections, the security forces raided the Rataul village in the early hours of May 7. During the searches, the militants engaged the security personnel in an exchange of fire, which turned into a pitched gun battle. The security forces used light machine guns, RPG-7 type rockets, tear gas shells, hand grenades and two-inch mortars to neutralise the militants firing intermittently from general-purpose machine guns (GPMGs) who had positioned themselves atop several buildings.

This large and historic village, according to the police, was a known hideout of Baba Manochahal, who had slipped many a time from the security forces' dragnet. In 1988, his brother Mohinder Singh Manochahal had been killed in this village. But, according to an observer close to militants, the police came to know of the Baba's hideout in the wake of his involvement in the electoral politics and his frequent consultations with leaders of AISSF, his meetings with ticket seekers was an open secret.

DIG killed, SSP, DSP & SHO injured in the encounter

According to Amritsar Police Chief, Sanjiv Gupta, Police commandos tried to capture some of the houses on the periphery of the village and in the process DSP Sukhdev Singh Bhatti was injured and constable Amrik Singh died on the spot on May 7.

The DIG Ajit Singh was fired at in the morning of May 8 when he virtually charged into the militants' hideout in a narrow lane. He was rushing to a spot in the village on getting information that Tarn Taran Police chief Narinderpal Singh was injured in the cross fire.

On finding the security forces leading towards their hideout, the militants fired several bursts from automatic weapons giving hardly any time to the DIG and the security personnel to react and take positions. Ajit Singh got a close range burst of sniper rifle in his chest and fell down. SSP Narinderpal Singh had been injured as one of the bullets fired by militants hit him in the leg, and four other security personnel sustained injuries. During search operations, the militants injured DSP Sukhdev Singh Bhatti. His gunman was also killed.

When the two officers were shot at, another police party headed by SHO Verowal, tried to capture a building close to the hideout. He was also injured along with four other security personnel. In order to continue the pressure on the militants the DIG, CRPF, Dhanpat Yadav, took over the command of the operation at noon on May 8.

"The militants dominated the forces for 36 hours"

The paramilitary forces too could not do much to neutralise the militants. The militants dominated the security forces for the first 36 hours of the gun-battle, according to eyewitness. The final assault was started in the evening of May 8 by the army, commanded by three Brigadiers. The real offensive was launched after dusk when grenades rained on the buildings occupied by the militants. The upper storey rooms of two houses were blasted. The roofs of another three houses were blown up resulting in a fire. Besides this, there was firing from medium machine gun, LMGs and sniper rifles from different locations.

The militants made desperate bids to abandon the blasted hideouts and four of them were gunned down when they tried to shift to the adjoining houses. Others who could not leave their hideout, were, burnt alive. Para-bombs were used to light up the cordoned area to make difficult any escape attempt by the militants.

The 48-hour-long operation was called off in the morning of May 9 following the recovery of bodies of militants and a large quantity of arms and ammunition. A thorough search was launched in the entire village. The weapons recovered included six AK-47 rifles, one SLR, one GPMG, one .303 rifle, two pistols, a rocket launcher and a sniper rifle.

An IHRO team comprising D S Gill and Mohinder Singh Grewal visited the Rataul village. The smouldering and half-burnt household articles lay scattered. A double-storey building where maximum fortification was done belonged to Thekedar Kartar Singh, who was not at home.

The IHRO team met Kartar Singh's college going son Sukhwinder Singh (18) who was residing in the house along with his mother. The team also talked to several villagers who were victims and eyewitnesses to the whole incident.

Even the cattle were shot

According to the villagers, domestic articles were wantonly destroyed and valuable looted and even milch cattle shot. The army behaved like occupied force, looting gold ornaments and money. The entire population of the village was evacuated. Men were kept in the school. Women and children were lodged in the Gurdwara. The security forces were free to ransack the vacant houses from May 7 to May 9.

The security forces, the villagers alleged, took away Sarwan Singh's Rs 8000/-, Sarpanch Umrao Singh's two gold rings, mason Harbans Singh's Rs 4000/-, Mukhtiar Singh's Rs 800 and Vaid Surjan Singh's utensils from their houses.

The men, women and children remained in confinement for three days without proper food and water. The security personnel used abusive language while dealing with women and children. Some of the men were beaten up. Those tortured included Vaid Surjan Singh (65), Thekedar Kartar Singh and army personnel on leave, Amarjit Singh and Gulzar Singh. The Vaid's arm was broken. Thekedar Kartar Singh was said to be recovering from his injuries in a private hospital at Amritsar as he was badly tortured.

Two militants burnt alive

According to an eye witness account, two of the militants, who were locked in a room of the house owned by Thekedar Kartar Singh, were burnt alive by the security forces by throwing kerosene from outside and setting on fire the room.

Those rounded up by the security forces after the operation was over included Mazhbi Mukhtiar Singh, motor mechanic Gulzar Singh Fauji and mason Balwant Singh.

The destruction of houses and loss of property at the hands of the security forces was worth millions of rupees besides the casualties, harassment and repression suffered by the people.

No doubt, there have been militant-police encounters. However, in most real encounters, the casualties suffered were by both the parties. The Rataul encounter is an eye-opener. In all other cases, the deaths were either in police custody or in staged encounters.

The elections and the repression

The Police Raj continued unabated despite the declaration of elections to the Parliament and Punjab Assembly in the state. Among many, Khalistan Commando Force (Zaffarwal) Area Commander Baghel Singh Abbuwal's family and next of kin have been victims of Ludhiana police atrocities. It was on May 2 that a Ludhiana police party raided the KCF activist's Abbuwal village at mid-night and picked up his 85-year-old crippled grand father Nambardar (village land revenue official) Rampartap Singh, unless Gurmail Singh and Ujagar Singh and his cousin Bant Kaur (22).

Before leaving the house, the police posse demolished all house hold goods including doors, windows, almirahs and ceiling fans. Not even a tumbler to drink water was spared. Cattle were untethered from the family's farmhouse leaving them to no one's care. Villagers were threatened not to touch bundles of harvested wheat crop lying in the fields of Abbuwal. Dire consequences would follow, added the police, in case the villagers cultivated the family's lands.

The two-member IHRO team comprising Mohinder Singh Grewal and Mukesh Inder Singh Dhillon was required to go into the details of the agony of the family. The team visited the village and met several persons including an advocate Rajwant Singh and a local Sikh preacher Sohan Singh whose brother Gurdev Singh was also picked up along with an other on that night.

According to IHRO investigation, the police from about half-a-dozen villages also rounded up other relatives of Abbuwal. They included his sister's father-in-law Balwant Singh from Kaile village, father's sister's husband Harnek Singh from Rajoana village, mother's brother's son Mohinder Singh from Khrar-Chhapa village (Sangrur district), mother's sister's husband Gurcharan Singh from Hassanpur village and father's mother's grandsons Mohan Singh and Sohan Singh form Bullowal village.

Ever since Balwinder Singh, alias Baghel Singh Abbuwal went under ground in 1990, the police had been conducting raids and searches of his house. His father Karnail Singh and elder brother Bhagwant Singh along with others were picked up by the police a number of times. Abbuwal's Uncle Mohinder Singh who was rounded up by Sudhar police on March 16, remained incommunicado.

Militants' relations held

Abbuwal's father, brothers and their wives and already left the place due to frequent police raids, searches and harassment.

It seemed a retaliatory action by the police as they suspected the KCF (Zaffarwal's) hand, in the kidnapping of late DIG Ajit Singh's brother Pritam Singh from Ludhiana on April 29, 1991.

The IHRO investigation team, in its report, condemned the retaliatory attitude of the police against the innocent relatives of the underground youth and demanded their immediate release, action against the guilty police officials and compensation for the destruction of the property and crops amounting to Rs 150000/-.

“Who says there is no Police Raj in Punjab ? It is here in Ludhiana”, reported The Tribune correspondent K S Chawla on May 16.

To elaborate his point the journalist quoted a case of harassment of parents of the school going children.

The traffic police near Sacred Heart Convent School impounded six vans carrying school children and the children were made to alight. The children, mostly in the age group of four to six year, were the students of the convent school.

Police action against school

The police resorted to this act of “bravery” because ward of a police officer was not admitted to the school by its management. As the children did not reach their homes at the scheduled time, worried parents had to run to the school by its management. As the children did not reach their homes at the scheduled time, worried parents had to run to the school to find out. This is not the first time that such a thing has happened. A few months ago, the traffic police had impounded some vans of the school for a number of days to put pressure on the Christian management to admit the police officers' wards irrespective of their merits.

June 1991

In the so-called free world, the whole area of human rights has in recent times become completely politicised. It is now all about spheres of influence. Recently a very senior officer in the United States Foreign Affairs Ministry said that the US is only interested in human rights if these involve violations in such rights by the soviet block countries. Britain for its part ignores human rights violations by "friendly" countries and positively condones them. For political advantage it is prepared to Kow-tow to regimes in countries like India, Iran, Iraq, Saudi Arabia and Syria which have disgusting records on human rights and which are the leading exponents of state terrorism. In the world of international diplomacy and international always resolves about political expediency and trade contracts with human beings being used as barter or bargaining counters, and the Britain is no exception.

India's war of propaganda against Sikhs

In Britain, the Indian authorities have achieved a considerable victory over the Sikhs with victims being presented as the aggressors and the Indian authorities being cast in the role of angels. India is relentlessly waging a propaganda war against the Sikhs as a cover up for its dastardly record on human rights. This has been made possible in no small measure by the reluctance of British parliamentarians, the Government ministers and the British press to speak out honestly and dispassionately on the calamity that has befallen the Sikh community.

On the vexed subject, there is indeed a conspiracy of silence between the British and the Indian authorities. We, therefore, appeal to the voice of conscience in the British community by highlighting the Indian authorities' nefarious design to annihilate Sikh culture, religion, language and the distinctiveness of the Sikh community, all in the name of Indian secularism, and to maintain unity and integrity of the country.

This was stated by Barrister Harjit Singh, the president of the UK branch of IHRO, when he introduced the then IHRO general secretary, D S Gill to a British parliamentary group of MPs at a meeting held on July 25, 1989 at the House of Commons, London.

The lawyer activist D S Gill, in his speech, said: "On behalf of the International Human Rights Organisation I thank Keith Vaz (MP) for convening this meeting, the other MPs and friends, who have come here to get first hand information on human rights violations in Punjab.

"The most serious challenge, the people of Punjab particularly the Sikhs and the State of Punjab, faces is the near absence of democratic norms for which the Centre must be held squarely responsible. Democracy is under great strain in India. All the major organs of State, which sustain democracy such as an impartial and fearless judiciary, an independent press and conscientious legislature, are on the retreat.

Punjab-a laboratory for fascism

"Needless to state that the IHRO stands for restoration and strengthening of democracy in India and is opposed to the authoritarian ways of the Government of India and some of the State Governments.

"The ruling party in order to maintain themselves in power, made Punjab a laboratory where all counter revolutionary machinations were put to rest. The Constitution of India was undermined in several ways. The marital law was introduced under cover of providing aid to civil administration.

"Thousands of Sikhs were killed in blatant violation of laws. Lawless laws were specially enacted and made applicable to Punjab. It is a pity that judiciary generally thought it expedient to live with these laws.

"False encounters have become a way of life with the police and other security forces. Indescribable methods of torture have been introduced that may put to shame as mild mannered many fascist rulers in the world. Several thousands men and women are rotting in jails, many without trial and even without charges. The entire system has become brutal.

"The deliberate departures from the Constitution are evident and for this Delhi rulers are fully responsible. Democratic rights and civil liberties of the Sikhs have been constantly under attack for more than five years now. These attacks have been further stepped up recently in Punjab. Large scale "arrests" and tortures of Sikh women are the height of the state repression.

"The energies of the IHRO have been directed during the past five years against the manner in which New Delhi tried to suppress and crush democracy in Punjab, deny the Sikhs their human rights by killing hundreds of Sikh youth in fake encounters.

The State attacks the Sikh Press

"The state violence is either directed against political opponents or against those who organised themselves to oppose the arbitrary and unjust use of force by the State. Many are arrested, harassed and detained in jails because of their activities as lawyers, journalists, and leaders of political groups of religious organisations.

"During the last two years, number of Punjab Sikh Lawyers Council and IHRO activists, Jagmohan Singh, Gurcharan Singh Ghuman, Gurdev Singh Benipal, Dr. Rajinder Paul Singh, G S Bal including myself, were arrested or detained in jails only because of our professional and human rights activities.

"Undeclared political censorship has been imposed in Punjab. Raids, searches, arrests and imprisonment of "offending" journalists are indications of the state repression on the press. Newspapers and journals belonging to the Sikh community and Dalit groups have been proscribed, vis-à-vis Dignity, Samparak, Jantak Lehar, Sant Sipahi, Quami Rajniti etch and their printers, publishers and editors like V T Rajshekar, Sukhdev Singh (President, IHRO) and Kamaljit Kaur have been booked under TADA. Sukhdev Singh was detained in jail for six months mainly because he had been highlighting the grievances and human rights situation of Punjab and the Sikhs".

"Even the judiciary has not been spared. It has been terrorised into silence and subordination due to certain policies, interference and enactment by the central government of dreaded legislation which have curbed the powers of the judiciary. Even judges who tried to do justice were transferred post-haste in a most disgusting manner.

"There have been extra-judicial killings and tortures even in judicial lock-up. Four Sikh youths were killed in Sangrur jail. The under-trials of Nabha jail, who were arrested from the Golden Temple in 1984, were tortured in the Ladha Kothi.

"In Punjab the Indian State has been continuing to contravene Article 14 of the International Covenant on civil and Political Rights by enacting special laws such as the National Security Act (Preventive Detention), The Terrorist and Disruptive Activities (Prevention) Act.

"More than 5,000 belonging to all shades of opinion are rotting in jails without trial. There is no rule of law in the State, fair trial is not possible in face of these draconian legislation. The world known concept of criminal jurisprudence that a person is presumed to be innocent unless proved otherwise, has been turned on its head as the onus has been laid down on the individual to prove his innocence.

Special courts against Sikhs

"Under the provisions of the TADA special courts have been created for the trial of the Sikhs. These designated courts are mostly held in jails, where open trial and access to lawyers, press and the public are not possible. These political courts are aimed at punishing the persons because of their political and religious beliefs.

"The IHRO's report called "Security Forces as Private Senas (Armies)" reveals how the Punjab Police and paramilitary forces are themselves involved in unlawful and criminal activities, including plunder and adjudication upon private disputes for considerations of money.

"The secretive pro-government death squads, are operating in Punjab, which have been assigned the job of assassinating the Sikh rebels, who are demanding an independent Sikh State, Khalistan. One such gang leader was Santokh Singh Kala, who has been killed by a militant group. The so-called counter-terrorist, Santokh Singh Kala was responsible for eliminating more than 50 Sikhs and their families in Amritsar district alone. Kala had himself boasted of his mission being blessed by none other than the Indian Prime Minister, Rajiv Gandhi and the advisor to the Punjab Governor, J F Rebeiro (Punjab Bulldozed, a IHRO report to the world on Operation Black Thunder II, p 17).

The Rape of Punjab, yet another report, reveals how the Punjab police has launched a massive, inhuman aggression on the hapless women folk. We have evidence, on how women have been made to suffer abuse in public, in front of their family members. They were taken to police stations, where they were stripped in front of their male relatives. In some cases, they were mass raped by the police.

"The aim behind this aggression is to bring to submission the whole Sikh community and to show them that the State can go to any extent to stop the Sikh people from sympathising with Sikh militants.

Justice Sikri's regret

"As a result a crafty statesmanship of certain Indian politicians, the Sikhs and Punjab were embroiled in a holocaust of racial nature aimed at destruction of Sikh norms. The result was the operation "Blue Star", mopping-up operation "Woodrose", November 1984 Sikh massacre and false encounters. It was most unfortunate that most of these inhuman acts were committed with the aid of laws, rules and proclamations made by the brutal majority in the Indian Parliament. The rule of law, a necessity of the society, was done away with, in Punjab and for the Sikhs.

"And it should be plainly admitted that the Sikh community in India has been alienated. Justice S M Sikri, former Chief Justice of India, who headed the public inquiry commission on the November 1984 Sikh carnage in the wake of assassination of Indira Gandhi, concluded in his report saying "If the Sikhs, the valiant guardians of our Western marches, who have fully contributed to the independence of our country and to its process and prosperity, feel injured or alienated, it weakens the very fabric of our society and vitality of our nation".

"Article 21 of the Indian Constitution guarantees that no person shall be deprived of his life and personal liberty except according to procedure established by law. The Supreme Court of India has further held that even amidst the clash of arms the laws (of life and liberty) shall not be terrorised into silence."

"Justice is what justice does, and a prosecutor (the police) cannot become a judge, are two of the world's fundamentals of the jurisprudence. So the police cannot take away the life of any person, howsoever dreaded he may be, without the "due process of law". It cannot be allowed in a civilised country that the law enforcing agencies may short cut the legal process and let the security forces become the summary executioners.

Punjab-a political problem

"We hope that human right groups and governments outside India will take up these issues with the Indian Government and use their good offices in solving the Punjab problem which is essentially a political problem and not a law and order problem, as is being claimed by the Indian government. I, therefore, approach this forum with the hope that you will raise your voice against state terrorism in Punjab at all the appropriate forums including Parliamentary Human Rights Group (PHRG)".

The British Parliament group of MPs assured the IHRO that they would take the issue of human rights violations in Punjab, both with the Government of India and in the British Parliament.

Earlier, D S Gill met Anthony Coombes, the secretary of Parliamentary Human Rights Group in this regard. Other MPs, whom he met separately at different times, included Terry Dicks, John Watts, Jacob Arnold, Patrick Ground, Sydney Bidwell, Sir Gelard Vaughan, Patrick Wall, John Hughes and David Nellist.

The IHRO activist also addressed a number of conventions and meetings, organised by local groups and attended by several European and British parliamentarians.

There emerged a movement of lobbying for human rights among the Sikhs in UK. They started influencing members of the European Parliament (MEPs) and members of the British Parliament (MPs) by distributing IHRO literature reprinted at its London office which included books like 'The Fascist Offensive in Punjab', 'The Rape of Punjab'. 'An Indian Torture Chamber-Ladha Kothi', 'I Swear...'- a collection of 20 affidavits on violation of human rights, and 'Sikhs and Human Rights'.

It was due to the local lobbying by certain Sikh organisations and human rights activists that a joint team of European and British parliamentarians comprising Richard Balfe (MEP), Max Madden (MP) and John Taylor (CMG) came to Punjab on a fact finding mission in 1990.

The UK MP speaks out

On findings of the mission the British MP (Bradford, West) Max Madden, on March 22, 1990 reported to the Parliament saying: "I am pleased to introduce a short debate on relations between Her Majesty's Government and India, the first such debate in the House for some considerable time. I have recently returned from a brief visit to India and I thank the authorities, especially the governor of Punjab, for their assistance and cooperation, and a range of human rights organisations and their brave and dedicated members of their help and support during my visit.

"My main purpose was to investigate human rights in the Punjab. With the intractable problem of Northern Ireland much in my mind, I realise that no Britisher in India can feel superior when discussing human rights in the Punjab, where the forces of law and order are pitched against militants. I talked to police officers in the Punjab who, like security officers in Northern Ireland, told me that many of the militants were gangsters who preyed on Sikhs and Hindus for money and power. Few, they argued, were motivated by dreams of an independent Khalistan.

"I talked to human rights organisation in the Punjab who, like their counterparts in Northern Ireland, told me that state violence and repression had alienated many in the Punjab, Sikh and Hindu, and had provoked widespread violence and terror. Both sides claimed, rightly I am sure, that all ordinary people in the Punjab, Sikh and non-Sikh, are sickened by violence and want an end to it. I talked to scores of those ordinary people and their stories were deeply disturbing.

The vivid memories of torture

"I shall never forget the Sikh father whose 14-year-old daughter was raped and drowned by a police officer. The father was brutally beaten by police three times over two days. He was seeking the return of his daughter's body for cremation. He was warned that if he did not stop complaining, what had happened to his 14-year-old daughter would happen to his 7-year-old daughter. The father is refusing to wear shoes until he gets justice (The Rape of Punjab pp. 21-23).

"I shall not forget the young Sikh who was shot as a terrorist after he stood with his arms above his head in a field for five minutes. The police later admitted that they had made a mistake. Senior police officers saluted at the young man's cremation. His family is still waiting for the compensation that it was promised.

"I shall not forget the relatives of the young man who was shot while marching in a Sikh religious festival. Again, the police admitted a mistake. His brother has been warned off pressing for police officers to be punished".

"I shall not forget the 500 prisoners in the Amritsar security prison who lined up in the sun to meet me and my team. Each one was holding his record papers. There were more than 300 held on petty offences without bail. The youngest was a boy of 14 and a half who had been held in that prison for eight months without trial.

"There were mothers and daughters who talked about their husbands and brothers, who had been abducted by the police months and even years ago. There were men and women who showed us bruises, scars, broken arms and broken legs that were the result of police interrogation. I shall never forget the men and women who complained of systematic police harassment, with regular house searches, property smashed, goods and money stolen, and threats of extortion of money to avoid imprisonment".

"There is no doubt that Operation Bluestar, the Army code name for the attack on the Golden Temple in 1984, will never be forgotten or forgiven by most Sikhs. It defiled their holiest place and strengthened the view of many of them that the Indian Government had embarked upon a deliberate policy of eradicating Sikhs, who form just two per cent of India's population. Such feelings were intensified by the massacre of 5,000 Sikhs in Delhi hours after the assassination of Indira Gandhi and of many Sikhs in other parts of India".

"In Delhi I visited some of the 1,200 widows struggling to bring up their families alone. One woman cried bitterly as she showed me the photographs of her dead husband and sons. She lost 18 relatives to the murderous mobs. From the window of two-roomed tenement, home to a family of six, I looked down across a mud hut village, which is home to 1,000 families who fled east Delhi to find relative safety with other Sikhs in west Delhi. With the monsoons this mud village becomes a sea of mud, with the summer heat a stinking cesspool. There are no drains, water supply of electricity; there are typhoid and cholera. The new governor of Delhi has promised these people a plot of land nearby where they can build decent homes. They hope that this promise will be kept and that the bulldozers will not return to demolish their huts.

The deliberation behind crimes

"None of these people, the victims of murderous communalism, believe that what happened was spontaneous. The mobs were organised. They were led. The plan was to kill as many male Sikhs as possible, including boys and even babies".

"If there is uncertainty about the future of the Punjab, there is great anxiety about the future of Kashmir. During my visit to Kashmir there were many reports of mass protests involving anything up to 1 million people, with deaths, injuries that between 200,000 and 300,000 security forces are deployed in Kashmir and more are on the way. A permanent curfew has been in place for the past nine weeks".

"Many argue that the people of Kashmir should be given a referendum in which they could vote freely and fairly for their future. There appear to be three options for them to remain part of India, for them to join Pakistan or, the option that has been gaining support, for Kashmir valley to join Azad Kashmir and parts of Jammu, to become a new independent state.

"During my visit, a prominent Kashmiri business man who favoured the third option said:

"We could become the Switzerland of Asia, with tourism and the careful development of our natural resources. The borders could be guaranteed internationally, safeguarded by the United Nations. A state of ten million people, we could become a tranquil, prosperous buffer between India and Pakistan".

Free access to tortured areas

"The Indian Government are making a serious mistake by alleging that there are those outside Kashmir and outside India who are instigating violence and disorder in Kashmir. In making those charges, the Indian Government's credibility is seriously undermined so long as they refuse permission to foreigners to visit Kashmir and so long as they stop the world's media reporting what is happening in Kashmir".

“I hope that India’s new Prime Minister will quickly see the difficulties that his Government will face if they continue that policy. I hope that he will allow visitors and the free reporting of what is happening in Kashmir. I hope the Indian Government will agree to a request that I made informally today to the Indian high commission for a parliamentary delegation from the House to be allowed to visit Kashmir shortly. I welcome the visit that is to be made to Kashmir next month by my right honourable friend, the Member of Manchester Gorton (Mr. Kaufman)”.

“Some 56 British Members of Parliament, representing all political parties and from all parts of the United Kingdom, have now signed and supported motions on the Order Paper calling for the people of Kashmir to be allowed to determine their own destiny”.

“At this time in Kashmir there are severe shortages of food and water. There are drastic evacuations of non-Muslims from Kashmir. The authorities are transferring large number of prisoners from Kashmir to the much hotter climate of Rajasthan, and there are worrying reports that death squads are being formed and trained. As I said earlier, there are reports of substantial extra troop deployments to Kashmir”.

“There can be no doubt that what has happened in the Punjab since 1984 scars the reputation of India, the world’s largest democracy, and that the popular uprising in Kashmir threatens peace in the region. All true friends of India—we are all well aware of the deep affection and regard that you, Mr. Speaker, have for that country which is shared by many honourable Members - wish every good fortune to Mr. Singh and his Government in resolving the vexed and dangerous issues that threaten the future of his Government and more important, the future and well-being of all the people of all religions of India”.

British Government’s historic responsibility

“The human rights position in the Punjab and the dangerous position in Kashmir, which seems to be deteriorating fast, call for the British Government to make representations to the Government of India. British has a great historic responsibility for India’s past, and it has a great responsibility now to speak up on behalf of people who have many relatives and friends there. The Kashmiri community is desperately worried about their families and their friend, and is concerned about the future of their country. Sikhs, too, have great worries. I hope that the Minister will echo their concerns, and will make it clear that the British Government, in the spirit of true friendship, are prepared to make the representations to the Indian Government”.

The IHRO, since then, could not know what specific steps were taken by the British Government to safeguard human rights of the Sikhs and Kashmiris in India.

The CRPF kill 46 Kashmiris

However, there is no doubt about the fast deteriorating situation in Punjab and Kashmir. In a shocking incident, the CRPF mowed down 46 unarmed Kashmiris and injured 57 others in Chhota Bazaar area of Srinagar on June 11. Prof. Saiffuddin Soz, a former MP from Kashmir, in a letter to the Prime Minister said that the Chhota Bazaar incident involved a 12-member group of the CRPF in plain clothes who by their mindless firing made passer-by and shopkeepers their victims.

The provisions of the Disturbed Areas Act protected the CRPF’s indiscriminate firing, the Kashmir leader said, and the Armed Forces (Jammu and Kashmir) Special Powers Act. As long as these black laws remained in operation, the atrocities on the people of Kashmir will continue, he said. He pleaded for the withdrawal of the CRPF from Kashmir to arrest the deteriorating situation in the State. The Government of India took no action against the CRPF unit for going berserk. Instead, Delhi and its spokesperson defended its action in so many ways. First, the number of those killed was sought to be minimised by an official spokesperson whose versions issued in Srinagar alone find a place in the captive media. The Government of India-controlled PTI and UNI gave the number of deaths as 32 killed and “many injured”. Secondly, the reason for the deaths was given as “cross fire between the security forces and the Kashmir militants after the CRPF unit was allegedly “ambushed”. The report further said that “several militants” were killed. There was no mention of the civilians and unarmed persons emanating from unofficial sources.

A Government of India spokesman at Delhi on June 12 offered no apology for the CRPF action against the civilians and, instead, recounted that the Kashmir militants mounted 155 attacks on security forces in May and June. Indirectly the Government defended the CRPF action as something natural in the circumstances.

There were widespread protests against the killings. The people of Srinagar observed a protest strike. There was tension in the town. The government imposed curfew restrictions in most part of the city and armed forces were called out. The government offered to hold an inquiry by the additional chief secretary but the people had no faith in the fairness of the authorities and they decided to boycott the inquiry proceedings.

Mohd Saleem Jan, a 13-year-old apprentice to a mechanic at an automobile workshop in Chhotta Bazaar, was seriously injured.

An eye witness account

Having barely escaped death in the shooting by the security men came to our workshop around 6.30 PM and caught men came to our workshop around 6.30 PM and caught hold of our workshop owner, Abdul Rashid, brushing aside his pleas. I saw them killing four of the workshop men with rifles. I lay down on the floor and sensing imminent death, grabbed the mangled pieces of my master's body, put it on my head and pretended to be dead. I could hear the security personnel hurling abuses and kicking all the bodies.

Sleem Jan received a bullet injury in his skull. After the security personnel left, he got up and sought help from a residence. He bandaged his head in a sari and walked to the nearby SMHS Hospital.

Jan's statement was corroborated by numerous other injured admitted to the hospital.

Dr. Maqbool Dar, a house surgeon on duty in the civil hospital who was at a roadside stall at the time of the shutout, said: "A group of nine CRPF men came in a truck. They caught hold of me and refused to see even my identity card. I was shot at point blank range." He rushed to the hospital after regaining consciousness. A bullet hit him in the neck.

"There was no firing on the patrol party, at least at the spot where I was injured," he said.

An employee of the hospital, who sought anonymity, claimed that he was eyewitness to the cold-blooded murder of Ghulam Ahmed, a storekeeper of SMHS Hospital, outside which the incident took place.

Among the killed civilians were an old woman and a child. Most of the killed were passers-by returning home before curfew hours.

Rajan Bakshi, DIG, Kashmir Range, said that none of the victims was a militant. "All the killed are innocent citizens and that causes us great concern".

About the sequence of the events, Bakshi said the police itself was bewildered over what exactly had provoked the CRPF personnel to open fire in a dense locality".

The situation in the entire valley turned volatile with the shutout. The entire downtown area of Srinagar City was placed under curfew and the army deployed all over.

All district headquarters observed a complete Bandh in protest against the Chhotta Bazaar killings. Angry civilians besieged the police control room late at night to get information about their missing relatives.

The scene of the shutout was splattered with blood and fire brigade tenders were washing the spot when journalists got permission from the Army to go near it in the morning.

Kashmir mourners fired upon

Yet, a local human rights group investigated another incident at the hands of the CRPF, the Peoples Basic Rights (Protection) Commission (PBRC) headed by Justice Mufti Bahauddin Farooqi, a former Chief Justice of the Jammu and Kashmir High Court.

The “peoples commission of inquiry” set-up, following requests from the public and boycott of the official inquiry commission, in its report, indicted the security forces for opening indiscriminate and unprovoked firing on a procession of mourners in Khanyar on May 8, resulting on death of 16 civilians and injury to at least 59. The report was based on a statement of 40 witnesses and no one appeared before the commission on behalf of the government.

The report was released to the press at Srinagar on June 26, which alleged that on May 8 a Patrol party of the CRPF fired the first shot on a mob of about 80,000, which had assembled for the burial of five militants killed in an earlier incident. Thereafter, the CRPF men on duty at the burial ground also joined the patrol party in opening indiscriminate fire on the mourners.

The commission allege that while the CRPF men continued to fire for 10 minutes, they again opened fire when people returned to the spot to pick up the dead and injured inspite of the loud pleading of the local police officials.

Contesting the government claim that the CRPF patrol party had been fired upon by some one in the crowd the report asked how was it possible that no one from the security forces was even injured.

“Fifteen Kashmiris are being killed everyday”

About the motive behind the firing, the report said the government did not relish the support shown by the congregation at Khanyar for the militants and the movement for the Kashmir’s right to self-determination, symbolised by them”.

Justice Farooqi said the commission was likely to rake up another inquiry into the June 11 firing on innocent people in the Chhotta Bazaar area in Srinagar in response to public pressure.

Justice Farooqi said the commission had filed Habeas corpus petitions for the release of at least 100 innocent youths who had been illegally arrested, in the state High Court. Besides charging the security forces with Indiscriminate firing on mourners, Justice Farooqi said the security forces killed on an aver age 15 Kashmiris a day. He also charged the security forces with rape, arson, looting and indiscriminate arrests and torture to the illegally detained persons.

The IHRO had earlier investigated the massacre of the mourners at Srinagar on May 21, 1990 by the CRPF following the assassination of Mirwaiz Maulvi. The report, a 45-page book-let “The Kashmir Massacre”, alleged that May 21 firing by the CRPF was not only totally unprovoked, brutal and inspired by communal passion but was pre-planned in which dozens of Kashmiri Muslims were killed and over 100 injured.

Jagmohan’s description of Kashmir Muslims

The then Governor Jagmohan described Kashmiri Muslims as “a gang of terrorists worth eliminating” to “save Kashmir for India”. In light of these remarks, the IHRO called upon the world opinion to react strongly to New Delhi’s cruel strategy of punishing Kashmiri masses for their political views.

The US State Department reacted strongly and Jagmohan was with drawn immediately by the then V P Singh Government.

What difference does Jagmohan’s recall from Kashmir make to the situation ? Jagmohan, after all, was implementing “a policy” set out by the Government of India. That was, in effect, the policy drafted by intelligence agencies, a policy of brutal suppression. Must that policy remain in tact?

What is, therefore, required is not a new Governor for Kashmir and Punjab but a new policy for them, a new deal for them, a deal that must meet the aspirations of the people of these regions and nations.

All the presupposes the dawn of diplomacy. That diplomacy, alas, is a scare commodity in today’s India. What abounds in India is low cunning and high-handedness, and the fast evolution of a high-caste, high-finance militarised fascist state that must of necessity suppress all

forms of dissent raised by minorities and minority regions and now by other democratic elements including the Press.

Harassment of editors and other journalists and seizure and destruction of newspapers have become a routine affair in India.

Kashmir journalists in detention

Fifty members of Kashmir Journalists Association and Kashmir Editors Conference were arrested on June 21 at Srinagar when they tried to hold a sit-in to protest against "anti-Press policies" of the Kashmir government, according to a report from New Delhi.

The police earlier cordoned off the houses of journalists to prevent them from holding the sit-in but they managed to reach the central telegraph office with banners. They shouted slogans against the government policies. Later all the journalists were released.

In Chandigarh the police confiscated thousands of copies of the Times of India, a leading national daily, and Jan Satta, a Hindi daily of the Indian Express chain of newspapers for carrying news regarding the activities of Punjab militants. Surprisingly, according to Jan Satta management, the newspaper was allowed to be circulated in Punjab but not in the Union Territory of Chandigarh, directly administered by the government of India, IHRO president Sukhdev Singh reported from Chandigarh.

The crackdown on the Press

The copies of the Times of India were seized because it carried a news item stating that wall posters had appeared at Ludhiana warning the public against casting votes in the elections which were subsequently postponed by the Government of India, the Chandigarh report added.

Similarly, the police also seized thousands of copies of Ajit and Aj Di Awaz, which contained militants' statements on the current political affairs.

The managing editor of the daily, Barjinder Singh, in a legal notice to the Punjab Home Secretary said that the Ajit had occasionally been high-lighting the shortcomings of the government and its machinery much to the chagrin of the concerned officials, who in the recent past had been threatening the management with grave consequences. Barjinder Singh charged the Government with trying to lock up Ajit under a conspiracy and said, "that is why it is attacking the newspaper, repeatedly". He affirmed that "the Ajit will stand firm on its policy and not succumb to any type of pressure". In addition, as a protest the editor on March 20, 1991 returned the Padamshree, the honour conferred upon him, by the President of India.

About 100 journalists representing almost all national and regional newspapers and news agencies on March 4, 1991 staged a silent dharna (sit-in) in front of Punjab Raj Bhawan at Chandigarh to protest against the undeclared censorship imposed on the Press by the Punjab Government.

The meeting adopted three resolutions. In the first resolution, it noted with deep concern the current onslaught on the Press in the region.

It noted with shock and anger the seizure of the newspaper Ajit on February 27 and again on March 4, Aj Di Awaz on March 4, the seizure of copies of The Hindu dated February 28, institution of a case under TADA against the Times of India and Ajit, and the two earlier raids on The Tribune and one on Indian Express and Jansatta as well as threats held out to individual journalists.

Reporters protest against censorship

The attempted curbs on newspapers came as a culmination of similar attacks on other democratic institutions in the state. All representatives of democratic bodies have been sent packing for years now. TADA has restricted people's access to the courts of law. The executive in the process has become desensitised. Now the Press, the only surviving institution of democracy, has come under attack.

This was an extremely unhappy situation for any newspaper to find itself in and unacceptable to the community of newspaper employees. The meeting readily accepted the fact that the freedom of expression is not totally unfettered but to impose indirect censorship in this form cuts at the very roots of the free press and its capacity to be the clearing house of news and information.

Besides seizing thousands of copies of the non-conforming news papers, a number of journalists were marked, threats held out and in some cases their houses were raided and searched. Editor of the monthly, "Janatak Bulara", published from Jalandhar, was arrested on June 1 to silence his voice.

The Ropar police registered a case under TADA against a correspondent of the Tribune, Harish Chander for filing a report about the boycott of the proposed elections to Parliament and Punjab Assembly. The case was registered with the approval of the state government, according to the district police chief, Mohammad Mustafa.

Roop Tara, a press correspondent from Tanda in Hoshiarpur district, was also harassed. The Tanda police kept him in illegal custody on June 8. He was slapped by the SHO. During a whole night's detention, he was threatened not to highlight the killings by the police.

The reporter was victimised because he filed a story on June 1 regarding two fake encounters by the police in which three Sikh youths were gunned down. According to the story published in a section of the press. Dasuya police shot dead a militant on March 19, 1991 in a stage-managed encounter near Kularan village. The militant was already in the police custody. Similarly, Tanda police killed in cold blood two Sikh youths on May 25, 1991 near Kandhata village at night. The police from Jaja village picked them up earlier in the day in full view of the public.

The Press suppressed

IHRO described the onslaught on the Press as a part of the Government of India's multi-pronged offensive against Punjab, which included "no criticism of the security forces' excesses".

It should be fairly admitted that the Indian security forces are increasingly being alienated from the Sikh, Kashmiri, Tamil and Assamese nations who are urging political reforms to satisfy their national aspirations. However, Indian Government is determined to suppress them by the most brutal use of armed force. The Indian state is pressing into its service such organisations with certain amount of credibility as the Press Council of India (PCI) to whitewash the security forces' atrocities.

The case in point is a report of the PCI on certain incidents of rape in Kashmir. The PCI, of course, cannot convince the world public opinion about the innocence of India's armed forces. Attempts that are more similar will only further discredit the PCI and its managers. What has this organisation to say of the armed forces' behaviour towards the Sikh women of Sangha village in Amritsar district on May 25-27, 1991? Will it call the allegations of rape as concoction in this case, too? And what has the PCI to say about the Army Brigadier R P Sinha's remarks, who haughtily warned the Sarpanches (mayors) and other village leaders that if there was any militant violence in these villages "all male members will be killed" and the women taken to army camps "to breed a new race" loyal to Delhi.

The coordination committee on Kashmir, representing 16 organisations, dubbed as highly misleading and one-sided the report of the Press Council of India on Kashmir, which exonerated the army of all charges in the Poshpura, outrage case. According to the coordination committee chairman, Justice V M Tarkunde, the council's report entitled "Kashmir crisis and credibility" consisted of "broad generalities on the basis of defective investigation into only two or three instances of excesses alleged to have been committed by army personnel".

Press Council of India censured by Tarkunde

"Even that part of the Press committee's report which deals with the alleged army excesses is heavily one-sided. It reads like a special pleading for the army," Tarkunde said.

He said his observation was based on a report of the sub-committee appointed by the coordination committee on Kashmir, which consisted of persons who had visited Jammu and Kashmir after January 1990 on behalf of various human rights bodies.

Apart from Tarkunde, the other sub-committee members consisted of Amrik Singh, Inder Mohan, Dinesh Mohan and N D Pancholi, all human rights activists.

The Delhi-based co-ordination committee on Kashmir has raised serious doubts about the credibility of the conclusions drawn by the Press Council of India in its report on the Kashmir crisis.

The committee particularly flayed that part of the report, which refers to the human rights violations, committed by the armed forces in Kashmir. The report was submitted by a three-member committee at the behest of the Press Council of India. It consisted of noted journalist B G Verghese and Vikram Rao. The third member, Jamuna Das Akhtar, dropped out from the team. The representatives of the co-ordination committee criticised the council report for confining its terms of reference only to the armed forces. A number of human rights organisations in their reports had attributed the majority of excesses to the paramilitary forces. Noted human rights activist, Justice V M Tarkunde, alleged that the press council committee simply ignored the existence of the earlier reports of the human rights organisations and refused even to meet or consult any of the known activists who worked on these reports.

PCI blamed for whitewashing state excesses

Justice Tarkunde also accused the press council committee of basing its conclusions on limited investigations. He said its main source of information was government agencies, which could have twisted facts to suit their convenience.

He said the committee did not issue any public notice inviting information, which could have been conducive to the fair conduct of the inquiry.

Similarly, the PCI team, which revisited Chandigarh on June 12 to update its earlier report on Punjab media, did not meet the victims of the state's undeclared censorship on the Press in Punjab. The team only met certain pro-establishment newspaper editors, a few journalists and state officials.

Earlier, during its previous visit on January 8, 1991, the PCI team was briefed by Sukhdev Singh, Convenor of the Punjab Sikh Journalists Association, who pleaded for measures to ensure that the press functioned freely, independently and was not used as a tool of an oppressive state machinery as was the practice in Punjab at present.

The association convenor asked the PCI team as to why it did not come to Punjab when Sikh journalists were persecuted, dismissed from service and put behind bars for years. In this connection, he cited the cases of Dalbir Singh (The Tribune), Jaspal Singh (UNI), Gulzar Singh Sandhu (Punjabi Tribune), Kuldip Singh Arora (UNI), Bharpur Singh Balbir (Aj Di Awaz), Kanwaljit Kaur (Sam park), Mohinder Singh (Akali Patrika), Surjit Singh Nanda (Qaumi Rajniti) and registration of cases against Ajit and its editor Barjinder Singh and finally Sukhdev Singh (The Tribune). Sukhdev Singh added that he himself was dismissed from service without any show cause notice or inquiry and merely on the ground that he had written an article critical of the operation "Bluestar".

When Verghese asked Sukhdev Singh for suggestions to improve the situation, the Sikh association convenor said that in the first instance the PCI regulations should be amended to provide for inquiry into the State-sponsored cases against journalists other than those relating to moral turpitude.

Secondly, Sukhdev Singh asked the PCI team to recommended changes in the composition of the media management's such as The Tribune Trust, the Indian Express management, the PTI, UNI and the official media so that these organisations reflected the social variety. Sikhs, Muslims, Christians and Dalits were grossly under-represented in these media groups. Most of these organisations at present were the mouthpieces of Arya Samaj, RSS or other Hindu

fundamentalist organisations, which came in frequent conflict with Sikhs and other social groups.

PCI ignored Sikh journalists' view

Surprisingly the Sikh viewpoint was totally ignored by the PCI in its report. Instead, the PCI simply justified the government restrictions on the press in Punjab.

Even as the Government of India's multi-pronged offensive which included the stepping up of military and police initiative and the straight-jacking of the Press, continued unabated, many people in Punjab, Sikh and Hindu, started openly sympathising with the victims of the state oppression, despite heavy odds.

Over 50,000 grief-stricken Punjabis including a few hundred Hindus, defied the police to reach Kalakh village near Ahmedgarh in Sangrur district to join the last prayers offered in memory of Bhai Jagroop Singh, the slain militant who died on June 25, 1991 in a battle with the Indian security forces.

Earlier, a large number of Bhai Jagroop Singh's admirers travelled by trucks and tractor-trailers to carry his last remains to Kiratpur Sahib in Ropar district to immerse them in the Sutlej.

Among those present on July 4 in Kalakh were a large number of women. A few thousand more men and women who could not join the last prayers were detained by the security forces around the village. According to reports, the police had detained about 1000 persons at the Jandiali Bridge. There were tense moments as these people wanted to join the determined not to allow them further movement towards Kalakh. Some persons travelled many miles on foot on the unusually hot day. A few hundred persons wanted to reach their destination and had to battle with the police, which had put a cordon around the village. In the process, at one such spot a few Sikhs sustained injuries were Shadi Singh Lohgarh, Jagdish Singh, Pritam Singh Narangwal, Balbir Singh, Surjan Singh Sarpanch and Bibi Rajwinder Kaur and Manjit Kaur.

The last rites ceremony disrupted

The police cordon was so tight that even Press party, which went to the village to cover the junction, found it difficult to reach there. The Pressmen proceeded to the village after certain senior police officers agreed to see reason.

It was discovered in the village that the security forces had surrounded the place where the last rites ceremony was on. When a representative of the five-member Panthic committee associated with Dr. Sohan Singh and others started reading a message, the police began to capture the stage in an effort at arresting the militant. However, the participants resisted the police and even started a battle with it. SP (Operations) Mukhtiar Chand and S P (Detective) Sukhdev Singh Chhina were in the forefront trying to arrest the militant. The militant immediately got down the stage and mingled with the public. However, the police officers were still after him and they got hold of him. The public was so enraged that they beat back the police officers. The cops then thought it wise to let the militant go free. In the tussle the police used lathis (clubs) and fired upon the public resulting in injuries to several persons.

The question is : why was Bhai Jagroop Singh so popular ? He was a dedicated militant. He fought for Khalistan. He never misused the gun. The extortionists were afraid of him. IN many cases, according to the local people, Bhai Jagroop Singh intervened to ensure that extortionists returned the looted money to the victims. The victims in many cases were members of the Hindu community. In this manner, he became popular with the Hindu community also. He held women in high esteem and never allowed any one to insult or humiliate them.

Bhai Kalakh belonged to the Khalistan Liberation Force (Budhsinghwal) and was its Lt. General.

On June 30, a caravan of trucks, tractor-trailers and cars started from Kalakh village. At its head in a well decorated truck were the last remains of Bhai Kalakh to be immersed in the Sutlej River at Kiratpur Sahib. Thousands of men and women joined the procession as it advanced through the Malwa villages. The procession became about 2 km long at Rara Sahib.

People pay tributes to dedicated militants

The Indian security forces tried to stop the people from joining the procession and put up hurdles on Dhulkot road near Ahmedgarh and again on the Doom Bridge of the canal near Rara Sahib. Sensing the mood of the public, the troops gave way.

It was clear the KLF leader was very popular among the people in the area in the same way as Bhai Jugraj Singh (19) was a hero of the Sikhs and non-Sikhs alike in Gurdaspur district. He too, was Lt. General of the KLF.

The police, on the other hand, claimed to have achieved a major success with the killing of Bhai Jagroop Singh in a fierce encounter at a farmhouse of Nirmal Singh of Bunga village near Malerkotla. Also killed in the encounter was his companion Jangjit Singh Dakha. The police alleged that Bhai Jagroop Singh was feared in Ludhiana and Sangrur districts and he carried a reward of Rs 2 Lakh on his head. According to the police, he was responsible for more than 100 killings besides making attempts on the life of several VIPs including former Union Minister of State for Home Affairs, Subodh Kant Sahay, Punjab Governor O P Malhotra and DGP, D S Mangat.

As in Bhai Kalakh's case, thousands of people including Sikh political activists were not allowed by the police and paramilitary forces to proceed to village Sangha on June 2 to participate in the Bhog ceremony of six Sikh devotees killed by the army on May 26. The police detained several Akali leaders including Simranjit Singh Mann and Baldev Singh Sibbia, president SGPC along with hundreds of their supporters. Mann was taken into police custody. He and the others were later released after daylong detention.

The Sikh congregation not allowed

Similarly, the authorities thwarted attempts to hold a Martyrdom Day congregation by Sikh masses inside the Golden Temple complex on June 6 to commemorate the memory of those killed during the Indian Army invasion, code-named operation Blue Star in 1984.

Heavy security arrangements around the complex virtually sealed the holy shrine, denying access to the organisers and participants to the venue. Only aged persons, women and children were allowed to enter the complex after strict checking at the entrances.

The security forces detained all political activists. Despite tight security, the Babbar Akali Dal Convenor Kartar Singh Narang and a few others managed to sneak into the shrine. However, Narang's bid to address a gathering of about 50 persons at the Akal Takht was foiled by the police officers in plain clothes deployed in strength inside the holy place.

The militants' call for a "Punjab Bandh" to observe the Ghallughara (holocaust) week, however, evoked massive response throughout Punjab on June 6. Most of the shops and offices remained closed. Transport operators kept their vehicles off the roads. Sikh people observed the week in their local Gurdwaras.

All actions by the state and its law enforcing agencies, which were aimed at frustrating Bhog ceremonies and religious congregations, were not only undemocratic but also disgraceful. The target appeared to be Sikh sensibilities. The aim was to thwart the well-recognised religious ceremonies and rites.

The holy Sikh Granth burnt

Not only that, the holy "birs" of Guru Granth Sahib were burnt at Ludhiana and Kot Shamir Gurdwara in Bathinda district. The burning of the "birs" at two distant places was not one man's act. "The barbarous acts were part of a conspiracy", said the Union Minister of State, Subodh Kant Sahay at Ludhiana on June 2, condemning the desecration of the holy Granth.

According to IHRO, this type of activity could be the handiwork of none else than those who had thrown cow tails in Hindu temples and packets of cigarettes in Gurdwara Sarovars (sacred pools) on the eve of the operation "Blue Star". In addition, these elements were active again. The state agencies on their part might have played a helpful role by not detecting such elements.

Not to talk of the police, the military, the paramilitary and the state intelligence agencies, which are engaged in the multi-pronged offensive against the Sikhs, the news media is not lacking behind. It started a public trial of a teacher in police custody as "Patiala-teacher authored Jinda-Sukha letters". "Prof. reveals links with militants" or "Prof. confesses links with militants" even before the police formally charged the professor, much less sentenced by the judiciary. The case in point was the manner in which certain journalists and irresponsible media obviously at the instance of the district police tried Professor Sukhdial Singh, a teacher of the Punjabi University, Patiala.

When the professor was in police custody, a section of the media on May 31 reported that he made a "sensational disclosure" that he along with Prof. Harinder Singh Mehboob and Prof. Gurtaran Singh drafted the letters of Sukhdev Singh Sukha and Harjinder Singh Jinda, which were widely published in newspapers allegedly under pressure of the Babbar Khalsa International.

Quoting the Patiala SSP, S K Sharma, the media further reported that Prof. Sukhdial Singh had confessed his links with militants including the chief of Akal Federation, Bhai Kanwar Singh. The media did not stop there. It further added that the professor had illicit relations with certain women.

This was a gross excess at the hands of the media against the professor who then was in police custody. Projecting the police viewpoint without any verification was contrary to professional ethics. Why did the Press Council of India not take note of this media assault against the professor? Because they kept themselves engaged in justifying the curbs on the Press and white washing the state excesses against civilians especially the women, who were subjected to sexual abuses by armed forces in Kashmir. The PCI also did not take notice of the total blackout by the media of the IHRO report on the Sangha incident in which Sikh women were gangraped by the armed forces in May, 1991.

Trial by media of a Sikh professor

IHRO on December 10, 1990 in its report had said that the Patiala district administration was threatening to involve Punjab University vice-chancellor Dr. H K Manmohan Singh, Professor Sukhdial Singh and others in some cases of violence just to appease certain Hindu organisations in the city.

According to IHRO team comprising D S Gill and Mohinder Singh Grewal, the district police started harassing the university administration, teachers and students following the killing of Sikh Students Federation (Daljit Singh), General Secretary, Bhai Nirmal Singh Nimma in an alleged encounter by the Jalandhar police in the university campus on December 1. "The district administration appears to be influenced by certain Hindu fundamentalist organisations like Hindu Shiv Sena which are said to be hostile to Prof. Sukhdial Singh who had authored several books on Sikhs and their institutions including one on "The concept of Khalsa Raj" dedicated to the Panthic Committee, said the human rights activists.

Prof. Sukhdial Singh, they added, is a committed Sikh and is not involved in any case of violence. His presence at the university campus is a source of inspiration and encouragement to those who want to preserve the sanctity of religious institutions. The IHRO team visited the tension-ridden university campus on December 5. And according to its report, the vice-chancellor and Prof. Singh were being victimised only because they had strongly resented against the storming of the university campus by hundreds of CRPF personnel and Jalandhar police led by S P (Operations), H S Dhillon at night on December 1.

The Warden, Prof. Sukhdial Singh and resident students of Hostel No 7 maintained that they saw no dead body in the campus but Bhai Nimma's body was shown at Sadar Police Station in the morning. The police did pick-up three students from the hostel. They did not subscribe to the police version of the incident that Bhai Nimma had killed himself by taking cyanide after he was shot in his thigh as there were no bloodstains on the spot, the report added.

The police appease the Hindu bigots

The IHRO urged the Punjab Government to ask the district administration to desist from doing anything under pressure from the Hindu bigots.

However, the Patiala police did not relent. At last, it arrested Prof. Sukhdial Singh along with three students on May 22 alleging that they were distributing sweets in the wake of the assassination of Rajiv Gandhi. They were tortured during the police custody. Booking the professor under these meaningless charges was nothing but a ploy to teach him a lesson for his religio-political views. It also provided an opportunity to the police to appease the right-wing Hindus who lost no time to shower praises on the Brahman district police chief for his "bravery". The trial by media set a trend for Punjab journalists to always blame militants for each incident that occurred in the state. The media and the public opinion as a whole have been led by the police and others state agencies to believe that militant groups were the culprits. All known militant groups, on the other hand, disowned and denounced extortions and kidnappings. However, the media continued to highlight the point that anti-militant offensive launched by the security forces should be further stepped up to checkmate the menace.

The IHRO investigations do not bear out the state agencies' charge fully. A few specific instances collected by IHRO should indicate the shape of things. Robbers, extortionists and kidnappers who sometimes masquerade as militants are on the prowl. The IHRO came across a very interesting case from Jalandhar City. A lone robber masquerading himself as Khalistan Commando Force (KCF) Chief General Paramjit Singh Panjwar was handed over to the police on May 29, 1991 by inmates of a house in the Garden Colony near Model Town. The impostor confessed before the police that he was Inderjit Singh of Nurmahal town in Jalandhar district. One toy pistol and a knife were recovered from him.

Police help extortionists in militants' garb

Inderjit Singh, who has been looting people since October 1990, chose targets living in the localities of Model Town, Mota Singh Nagar, New Jawahar Nagar and Guru Gobind Singh Nagar. One victim, who lost Rs 2 Lakh, gold ornaments, silk clothes and a dozen bottles of Scotch whisky, said that he like others also received threat calls on telephone after the crime. His last victim, a family in the Garden Colony, however, grew suspicious of the robber's tall claims and overpowered him.

A college lecturer, who managed to recover a part of the booty looted by the robber from his Model Town residence on May 4, 1991 after organising a chase of the robber with assistance of early morning walkers, said he personally reported the crime to the police division number 6 but they refused to register the case. The robber, he alleged, operated with police connivance. Another report from Jalandhar revealed a gang of kidnappers who picked up one Navneen Kumar, son of an industrialist, on the intervening night of May 6-7, 1991. The police arrested six persons of the total seven persons involved in the incident. According to the police, Chanchal Singh, vice-president Jalandhar unit of Akali Dal (Mann), was directly involved in the kidnapping incident. The van (DDA-3517) used in the kidnapping belonged to Chanchal Singh. He was a candidate for the proposed elections to Punjab Assembly from Jalandhar Cantonment constituency. After the kidnapping, the 17-year old boy was taken to Gautam Nagar. At midnight, the boy was shifted to R-152 Model Town, the residence of one Pardeep Kumar Kaushal who is known to Chanchal Singh. Pardeep Kumar, too, was arrested. The kidnappers then rang up the industrialist to demand Rs 4 Lakh as ransom in exchange of the boy, claiming themselves to be KCF activists. From the telephone call, the place was located and the boy was recovered from the Model Town residence of Pardeep Kumar Kaushal.

MP's SPOs loot people posing as militants

There is yet another case of looting and extortion from Barnala town in which involved were bodyguards of former M P, Rajdev Singh. The Special Police Officers (SPOs) attached with Rajdev Singh used to pose as militants and brandish their security arms before robbing and extorting. They collected money and gold ornaments worth thousands of rupees. the police claimed to have recovered the booty.

Similarly, the Chandigarh police arrested on May 31, 1991 Jawahar Lal Jain, a famous jeweller of Chandigarh, and four other alleged extortionists for demanding money at gun point from N S Bindra, proprietor of BRC Institute in sector-19, Chandigarh. These cases clearly show that individuals, having no links with militants, were engaged in nefarious criminal activities, some times with the help of the police. However, this should not necessarily mean that all militant

organisations and their outfits are puritans. We in IHRO hold no brief for them. We categorically condemn state terrorism and innocent killings as well as extortions and kidnappings for ransom, both at the hands of the police and individuals. However, we must express our determination to investigate all cases to find out the truth in each case. The IHRO has been calling upon the government since its inception in 1985 to establish an independent judicial inquiry to investigate killings in alleged encounters by the police force in Punjab. The organisation believed that such an inquiry was vital to help prevent future killings as any one found guilty would have been tried and punished. No judicial inquiry was ever ordered. Rather, a series of unchecked fatal shooting of Sikh youths by the security forces and police-backed "vigilantes" only strengthened the IHRO's belief that the Government of India's policy was to liquidate suspected members of armed opposition groups in planned killings.

Police kills Sikhs in faked encounters

The police on May 26, 1991 killed four Sikh activists allegedly in an armed encounter at Chitamala village under Morinda police station in Ropar district. According to the police (FIR No 49), all the four killed were unidentified Sikh young persons. Four militant organisations affiliated to the Panthic Committee (Dr. Sohan Singh), on the other hand, claimed that two of the four killed included BTF (Sangha) activists, Harvinder Singh alias Bahadur Singh of Shahpur Gujjarmajra village and Karora Singh of Badwali village who were picked up by Morinda police earlier at 7.30 am from Mankheri gate.

IHRO activist Surjit Singh Gill and Ajaib Singh investigated the matter. They met several villagers of Chitamala including village mayor Mohan Singh. The village mayor disclosed that Kurali police and CRPF laid siege of the village on May 26 at about 4:00 AM. All men above 15 years of age were asked to come out and to collect near Mohan Singh's house under a tree. The security forces made house to house search. Three militants hiding there fired them upon from inside the house of one Sardara Singh. During the cross firing, one militant was killed, another captured and the third escaped. Head constable Baldev Singh was also killed in the encounter. Four other police officials received severe injuries. The BTF area commanders, Bhai Jasmer Singh Lalli and Mohan Singh Fotewal, in their press statement said the security forces in the wake of heavy police casualties got infuriated and shot dead in cold blood the captured young person along with the two BTF activists, Harvinder Singh and Karora Singh, who were already in the police custody. They were shown killed in Chitmalala encounter. Therefore, of the four youths, three were killed in a staged encounter in the village.

Sardar Singh's wife, Surjit Kaur revealed to the IHRO team that the police took away her gold ornaments worth Rs 80,000 and cash of Rs 10,000. The infuriated police also killed a buffalo owned by one Bhajan Singh.

Similarly, in an encounter near Hans Kalan village in Jagraon subdivision of Ludhiana district on May 17, 1991, one militant was shot dead a few hours after he surrendered to the police in presence of several persons in broad day light. A little earlier, five militants along with him fought nearly 300 police and CRPF personnel before being killed in a rare genuine encounter.

Police killed Honey after the surrender

There did occur genuine militant-police encounters but in most cases, the casualties suffered were by both the parties. The Rataul encounter was a revelation. In all other cases, the deaths were either in police custody or in staged encounters. In the Hans Kalan encounter, at least half-a-dozen security men died and more than a dozen injured, according to an eyewitness. The KLF (Budhsinghwala) also made an identical claim as reported in a section of the Press. However, the JAGRAON DSP, Harnek Singh, in his police report (FIR No 17) mentioned that only a constable Sheikh Usman was killed and none injured.

The casualties from the police side remained a mystery. The five killed in the encounter on side of the militants were identified as Darshprit Singh Roomi, Sukhwinder Singh Kalajhande, Hardip Singh Rimpay, Rupinder Singh Khalsa and Mohan Singh Sheikhpura of the KLF and the KCF. The sixth, who surrendered before the police and was subsequently killed, was identified as KCF (Panjwar) activist, Kush Karanjot Singh alias Honey.

IHRO activists Gurbhajan Singh Gill, Bhupinder Singh Somal and Harchand Singh Gill, who visited the spot and met eyewitnesses, investigated the matter.

According to the IHRO team, several persons including Amar Singh Chachrali, who were working in their agricultural fields, saw the sixth militant Khush Karanjot Singh surrendered to the police following the killings of his companions in the fierce encounter which lasted over four hours. The eyewitnesses to the surrender were also rounded up for a while. The boy was mercilessly beaten up with rifle butts in their presence.

The eyewitness account revealed that the boy was taken away in a jeep. After about two hours at 6 PM, the police jeep came back with the boy. He was asked to run. As soon as the boy came down, he was fired upon. He fell down. Mukhtiar Chand (S P Operation), who led the security forces, gave a story to the press that six militants had been killed in the encounter.

The Sikh youths tortured to death

Another case the IHRO investigated was that of Bhai Balwinder Singh alias Baghel Singh Abbuwal, Bhai Gurmit Singh and Bhai Mohinder Singh, all of Abbuwal village, who the police alleged, were killed in armed clashes with the security forces. According to the Sangrur SSP, Sukhdial Singh Bhullar, Lt. General Baghel Singh of the KCF (Zaffarwal) was killed in an encounter with the security forces in the fields of Maherna Khurd village near Ahmedgarh on June 6, 1991. The Ahmedgarh police report (FIR No 68) mentioned the arrest of Gurmeet Singh and Mohinder Singh had been killed in cross firing with militants, who attacked the police party which was taking them towards Kanganwal village for the recovery of arms.

How was it that none else, than detainees, was hurt in the cross firing? Militants could not have ambushed the police party to kill their own men. The police story was a total concoction. IHRO's secretary Mukeshinder Singh Dhillon went into details of the matter and concluded that the two youths were tortured and killed in custody at the Ahmedgarh police station. The IHRO investigation report quoted an eye-witness, who did not want to be identified, as saying that he himself saw the dead bodies of Gurmit Singh and Mohinder Singh piled one over the other and tied up with ropes inside a police jeep early in the morning of June 7 near Kanganwal bridge. A few minutes later, he said, the police stage-managed a drama by firing in the air. One Ram Singh Billing filed quite a similar story in the daily Aj Di Awaz on June 18, 1991 suggesting that these two young persons were murdered in this police custody.

Regarding the death of Bhai Baghel Singh, the IHRO found that he took cyanide when cordoned off by the police, CRPF and BSF men on June 5 near village Maherna where from Gurmeet Singh and Mohinder Singh were captured. All the three were unarmed. The police later recovered a pistol from the dicky of their scooter, according to one Bikkar Singh.

High Court does not act on telegrams

The IHRO has been sending telegrams to the Chief Justice of the Punjab and Haryana High Court and to the Punjab Home Secretary seeking their intervention for the production in the court of abducted youths and fearing their liquidation at the hands of the security forces, but to no avail.

A telegram was sent in the case of Lt. General Karaj Singh Peer Mohammad and Balkar Singh Bukan of the KLF, who were picked up by the Phillaur police. The police in a stage-managed encounter later killed them on April 25, 1991 near Mao Sahib village in Jalandhar district. Chief General Gurjant Singh Budhsinghwal of the KLF also reported a similar appeal in a section of the Press.

IHRO administration secretary Gurbhajan Singh Gill telegraphically informed the High Court and the state home office regarding the abduction of Lt. General Sukhdev Singh Mangian and Bhai Gurmit Singh Tejawheela of the Dasmesh Regiment attached with Baba Manochahal's Panthic Committee, who were picked up from a house, 142/14, PAU Campus, Ludhiana, on May 9 at 4.30 PM by the Ludhiana police.

According to the IHRO information, Sukhdev Singh's brother Tarlochan Singh, who was a welder, and Balraj Singh Bal alias Bittu were also picked up earlier in the day from Tarlochan

Singh's residence at Dholewal in the city. All the four were taken to CIA staff. They were tortured there. Other prisoners, who were later either released or sent to jail and were out on bail, informed the IHRO that they had seen the four Sikh youths inside the CIA staff before they were taken out at night for their liquidation.

Police kill Sikhs in faked ambushes

Next day the police came out with a story (FIR No 104 registered) at Focal Point Police Station on May 10, 1991 at 5.45 am) that the Focal Point police party led by its SHO Narinderpal Singh was ambushed by militants near Ghiaspura village in the early hours of May 7. That the police party also started firing in self-defence. In addition, during the cross firing, the police alleged that Sukhdev Singh and Gurmeet Singh, who were sitting in a police minibus, were killed. Two of the militants who ambushed the police party were also killed in the battle. They were declared as unidentified Sikhs.

The unidentified were Tarlochan Singh and Balraj Singh. It was again interesting that no one from the police side was injured. What a funny story, the police had planted to suppress the crime. The IHRO did not subscribe to the ambush theory. All the four youths were murdered in cold blood at the spot where the police stage-managed the ambush.

Likewise, the security force killed at least seven Sikh activists by stage-managing fake ambushes during June, 1991 in Punjab, according to IHRO records.

Mangat Singh was killed allegedly in crossfire when militants ambushed a police party near Adliwal village in Majitha police district of Amritsar early in the morning of June 1 when a police party for the recovery of arms was escorting him. Nachhatar Singh was similarly killed in Ferozepur on the same day. Others killed in the alleged ambushes were Harjinder Singh, Baldev Singh, Prem Singh, Gurmail Singh and Rajinder Singh Golu. IHRO record of June 1991 disclosed 167 killings at the hands of the law enforcing agencies in the state of Punjab. Out of them, 126 had been killed in alleged encounters with the police force, 20 were eliminated allegedly in inter-group clashes and police-backed vigilantes killed 19.

Those killed in the alleged encounters included Area Commander Manjinder Singh (KCF), Lt. General Surjit Singh (KCF), Babbar Amir Singh Karnal, Gurmej Singh Geja (KCF), Nirmal Singh Chhotu (KCF), Brigadier Jashjit Singh Kala (KLA), Rattan Singh (KLA) and Angrez Singh.

Police abducted Sikh women and children

Besides this, Major General Bachittar Singh Sarhaddi, Brigadier Kikkar Singh Kotla Muglan and Bhai Kulwinder Singh Kindo, all of the Khalistan Liberation Army (KLA) were murdered by the Ludhiana police on June 22, 1991 near Dhandari Kalan village, the outskirts of the city. The police earlier picked them up from their rented house, 372-B, Bhai Randhir Singh Nagar, Ludhiana on June 21 at 9 PM along with their wives and an eight-month-old son of Bhai Sarhaddi. IHRO administration secretary Gurbhajan Singh Gill, who had sought the release or production of the detainees in the court, brought this fact to the notice of the Punjab Governor.

After receiving information and verifying its records, the IHRO concluded that Lt. General Ravinderbir Singh alias Bholla of Khalistan Liberation Force (KLF) was shot dead by the security forces on May 5, 1991 in Kaleke village under Mehta police station when he was scaling a wall to hide himself from the force. The security men from the other side gunned down him without warning. He was unarmed at that point of time. The KLF Chief General Gurjant Singh Budhsinghwal had picked up a Congress (I) leader, Satpal Mittal's grandson from Ludhiana few months ago for the same militant. In addition, his release was scored in exchange with the boy. He had been appointed Lt. General in place of Bhai Jugraj Singh. The police near Lohara village in Ferozepur district killed four Sikh young persons in cold blood on May 4, 1991. One of them was identified as Rajbir Singh Fauji. The other three remained unknown to the public. According to information received by the IHRO, all the four youths were brought at a vacant house near the village early in the morning with their arms tied with turbans and shot dead. Many villagers saw the incident. They reported to the IHRO that such incidents normally occurred every month near their village.

Sukhpal Singh Pali reported a case in which the Lehragaga police in Sangrur district killed two Sikh youths in a faked encounter on May 10, 1991 near Ratta Khera and Dhalera villages. The boys were identified as Balbir Singh of Lahal Khurd and Gurmail Singh of Lahal Kalan. According to Gian Chand and Puran Singh, both the boys were picked up a day earlier by the police from a house owned by Joginder Singh in Gobindgarh Jajian village. The police did not want them in any case.

Police, the extra-judicial executioner

The police claim that the encounters were genuine is prima facie incredible. In each case, a stereotyped modus operandi is given out. It is claimed that a certain number of militants were challenged by the security forces to stop. Instead of halting, these militants opened fire. The security forces returned the fire in self-defence. Consequently certain number of militants was killed while one or two of them escaped. It is significant to note that none from the security forces ever suffered a scratch and only the militants were killed although they were purported to be the first to open the fire.

The police tendency to do away with “due process of law” and unfettered powers given to them, has made the police an executioner. That is precisely why the IHRO has been describing for long the present Punjab State as a Police State (Police Raj). Now even the persons at the helm of the affairs have started feeling the same way.

“It is Police Raj in Punjab. The police is perpetuating violence in the State”, was the unanimous sentiment echoed at a meeting of administrative secretaries of the state held under the chairmanship of the Chief Secretary, Tejendra Khanna, at Chandigarh. The administrative secretaries, including financial commissioners, were surprised when the Chief Secretary sought their views on the Punjab problem at the weekly meeting held on July 29, 1991. Many of them held that no one had ever considered it “necessary” to elicit their views on the problems facing the state. Never before had such an issue figured at such a meeting. The possible provocation for the chief secretary to seek views of the administrative secretaries was probably his last visit to Jalandhar where people complained against police excesses, including fake encounters. He wanted the views of the secretaries with reference to the complaints against police excesses.

“Punjab is a police state” say state officials

After shedding their initial reluctance, most of the secretaries came out with their experiences. One of the secretaries wanted to know what useful purpose the discussion would serve as the police subjugated everyone. He said police dominance was so much that he had his apprehensions whether the minutes of the meeting would be recorded at all. The Chief Secretary retorted that since he had taken the initiative to know their views he would record the minutes also.

Some suggested that the Director-General of Police should have been called to attend the meeting while another secretary suggested that they should be given an opportunity to express their viewpoint on the subject before the new Governor. The Chief Secretary reportedly agreed to arrange a meeting with the new Governor as and when he joined so that the officers could present their viewpoint about the Punjab problem.

Another secretary said the civil servants holding inquiries into complaints of police excesses were afraid of submitting their reports apprehending danger to their lives. Other secretaries also narrated their experiences of serving in the field as how powerful the police was becoming in the state. Normal law, they felt, was being circumvented. No inquests were held into police encounters.

One of the secretaries referred to the Pilibhit killings and said even the BJP chief condemned the killings on the plea that the police had no right to kill even a militant while he was in police custody. The Punjab government should have taken a stand and registered a formal protest with the Uttar Pradesh government.

“The Executive is subjugated by the Police”

One secretary remarked that the subjugated of civil servants by the police department was so complete that even one of the former home secretaries of the state used to admit that he was only a “step-in-wheel”. Another officer remarked that later the Home Secretary became a

“punctured” wheel. There was a reference made to the manner in which a former Governor was coerced into submission by the police.

Some secretaries suggested that there should be some control on the “award” money. It was mentioned by one of the secretaries that there was a noting on the file that “militants” were killed first and the “award” on their heads was announced subsequently. There was a feeling among the secretaries that limitless power could not be given to the police indefinitely. They also wanted that their feelings should be conveyed to the quarters concerned. A journalist Parbhjot Singh in The Tribune, a well read daily in English in Punjab and its neighbouring states reported this piece of information on August 3, 1991. Who can say there is rule of law in the state except General O P Malhotra, who himself had perpetuated state violence since he took the reins of power as Governor in this sensitive border state of Punjab. During his regime lasting eight months, the average per day killing of Sikhs in faked encounters at the hands of the security forces has been over half-a-dozen, according to IHRO records.

Similar is the situation in Kashmir where state officials are not only afraid of the security forces but they are also being humiliated and harassed at the hands of the central security forces. A report from Srinagar revealed that the state’s Chief Secretary Vijay Kapoor and the Additional Chief Secretary Sheikh Ghulam Rasool filed separate complaints with the Union Home Minister following ill treatment by the Border Security Force personnel in the first week of June.

The Kashmir state officials humiliated

Vijay Kapoor was reportedly on his way to the state secretariat on June 7, 1991 when BSF men intercepted his official motorcade. The BSF men reportedly abused the staff of the Chief Secretary and even detained the latter, for on the spot-checking, despite the fact that he was travelling in a flag car with an Indo-Tebtian Border Police escort jeep.

A few days earlier, Shiekh Ghulam Rasool, who was the senior most bureaucrat from the state cadre, also suffered a similar humiliation at the hands of BSF personnel.

State repression and killings are so high in the valley that as many as 250 Muslim families had moved into the Pakistan “Occupied” Kashmir evidently to escape from death at the hands of the Indian security forces.

That was why the shadow foreign secretary of Britain’s Labour Party, Gerald Kaufman, who was on his two-day “fact finding” mission to Kashmir, said to newsmen on August 11, 1991 that “the suffering of people of Kashmir has gone too long. The people of Kashmir should get back the right to live with peace and honour in their land”.

The collapse of judicial system in India

A IHRO WATCH July 1991

Since the approval of the Universal Declaration of Human Rights four decades ago, the international community established laws and procedures to help guarantee internationally recognised human rights. In the United States of America, human rights emerged as a legitimate and important element of US foreign policy’s framework. Since 1973, the Congress enacted laws that linked trade, aid and other bilateral programmes to human rights.

“Standard must be applied in uniform and even handed manner, whether the country under scrutiny in an ally or an adversary. However, the human rights subject is being misused for the promotion of international diplomacy and to get trade contracts. I, there fore, call upon the US Congress to formulate strategies and take actions to promote freedom and democracy all over the world by upholding concepts that are the cornerstones of America’s heritage : the right to life, freedom of speech, press, religion and assembly”, said D S Gill while briefing a group of Congressmen in October, 1989 at the Capitol Hill in Washington.

Sikh students in US jail

D S Gill also informed Congressmen about IHRO's concern over the detention in the US for such a long period of two young Sikhs, Ranjit Singh Gill and Sukhminder Singh Sandhu, who were facing extradition to India at the behest of the Government of India. He expressed the opinion that given the dreaded legislation and the daily execution of Sikh activists in staged encounters, the two young Sikhs, if extradited to India, will be subjected to procedures and treatment antipathetic to the US community's sense of decency.

The FBI from a gas station in New Jersey arrested Gill and Sandhu, the activists of the Sikh Students Federation (SSF), on May 14, 1987. The arrest followed a diplomatic note from the Indian government alleging their involvement in the General A S Vaidya and Lalit Maken murder cases.

Sikh community in North America took up the case and engaged the best lawyers of their choice to plead for the SSF leaders in US Court. Amnesty International filed amicus curiae brief in the US District Court, New York. The IHRO on its part made representation to the US State Department seeking withdrawal of the extradition proceedings against the two Sikh student leaders. In addition, IHRO activists filed sworn affidavits at the time of a visit to Chandigarh of their defence lawyers, Mary Pike and Ronald Kuby in October, 1987, throwing light on how the Indian State deals with the mere dissenters and critics or those who were related to the youths engaged in the active resistance in Punjab (I swear...- A collection of 20 Affidavits, IHRO Publication, pp. 56 Amnesty International intervenes.

Amnesty International, USA (AIUSA) in its amicus curiae brief apprised the Judge that Sikh activists suspected of advocating a separate Sikh State were often arrested, detained in illegal custody and tortured, and some were made victims of extrajudicial executions or staged encounters by the security forces. The AIUSA provided the information in order that the US was not in violation of its obligations under international as well as domestic law.

Paul Hoffman, Alice Miller, Nigel Rodley and Ralph Steinhardt on behalf of the AIUSA summarised that Gill and Sandhu being SSF leaders and supporters of a separate Sikh State Khalistan could be sentenced to death because of an unfair trial under TADA if they were extradited to India. The likelihood of such an occurrence was particularly eminent because these two young Sikhs had allegedly been charged for the murder in India of Member of Parliament (MP) Lalit Maken and conspiracy in assassination of General A S Vaidya, retired Chief of Staff of the Indian Army, who presided over the 1984 army attack on the holy Sikh shrine, the Golden Temple in Amritsar. They had been charged with politically motivated murders.

The Amnesty informed the Judge about the fate of two co-accused of these young men who had been sentenced to death in India on October 21, 1989 for assassinating General Vaidya. The two co-accused, Sukhdev Singh Sukha and Harjinder Singh Jinda were also Sikh persons and advocates for the creation of Khalistan. The AI also showed concern on the execution of Bhai Satwant Singh and Bhai Kehar Singh on January 6, 1989 in Indira Gandhi murder case. They, too, were Sikh persons who had been sentenced to death on insufficient evidence.

AI blamed India for extra judicial executions

Moreover, the AI pleaded, Sikhs who were suspected of using violence in promoting their cause of Khalistan, were made victims of extra-judicial executions or false encounters. The AI's view was substantiated by the fact that the police were rarely killed or injured during such encounters and the victims were always killed rather than wounded.

The AI quoted a typical case of Prof. Rajinderpal Singh Gill, a teacher at Punjab Agricultural University, who was arrested on January 25, 1989 and killed in a faked encounter by the police next day (A IHRO report). A SSP, Izhar Alam, had been quoted as saying, "militants, who had committed five or more murders were killed by the police after they were caught".

Regarding torture of detainees and prisoners, the AI mentioned Justice C S Tiwana's report (An Indian Torture Chamber - The Full Story of Ladha Kothi, IHRO Publication pp. 63). In the report, the AI noted that prisoners were taken to another prison, Ladha Kothi in Sangrur district of Punjab for interrogation in order to extract information about their connections with armed

groups especially Sant Jarnail Singh Bhindranwale and their involvement in political activities. The commission of inquiry headed by Justice Tiwana established by the Punjab Government confirmed the allegations of torture, beating while suspending from the ceiling with their hands tied behind their backs, and electric shocks. Many prisoners suffered torture by having their legs stretched wide apart and chillies inserted into their anus. These Sikhs were arrested during the army attack in June, 1984 from the Darbar Sahib complex.

The AIUSA appealed to the District Judge, Robert W. Sweet not to extradite the Sikh young persons to India as they were facing risk of being sentenced to death following unfair trial or killed in a faked encounter by the police.

Similarly, the IHRO in its representation to the US Secretary of State, James Baker, demanded withdrawal of the extradition proceedings seeking release of the young Sikhs as they were important functionaries of the SSF, a proto-party and political arm of the Sikh movement of Punjab. The IHRO also demanded that they be allowed to stay in the USA or go to the country of their choice. Their lives will be in peril, if they are sent to India, the organisation pleaded.

US Government is unmoved

“It has been proved through judicial courts or on the basis of official record that implication of these prisoners, now lodged in the Metropolitan Correctional Centre, 150, Park Row, New York, in various criminal cases appears to be false. The motive seems to be to use these important SSF leaders as hostages pending efforts to strike an unequal and forced political deal”, the IHRO representation added.

The representation further pleaded:

“The US Government could not be unaware of the SSF and its demand for a separate, sovereign State of Khalistan.

“The Indian State is fighting in a determined and ruthless manner against the demand of Khalistan. In the Soviet Union, no one is proceeded against for pleading for self-determination or even secession from that country. However, in India, it is a crime triable with capital punishment to raise the demand for secession. Those who stand for such a belief are summarily executed in faked encounters or are tortured and imprisoned for years without trial.

“The issue for your consideration is not a limited or a narrow problem of the extradition of the two young Sikhs. Punjab is in ferment. The turmoil in Punjab, in turn, is not an isolated phenomenon of terrorism as is falsely sought to be projected by the Government of India. The phenomenon is rooted in man’s urge for freedom, democracy and social justice. No wonder, Punjab-like situations emerged in Afghanistan, Kashmir, Azerbaijan, Armenia, Romania, Poland, Czechoslovakia and elsewhere. Similar problems are bound to arise all over the world, unless these are pre-empted by greater amount of freedom, democracy and social justice.

“Your Government will be surprised to know that the Indian Government itself does not have a narrow view of the issues at stake. Delhi is not much bothered about any individual’s involvement in any criminality. Had it been the case, it would have by now arrested and tried men like Rajiv Gandhi, H K L Bhagat, Bhajan Lal and hundreds other Congress (I) men, officers and men of India’s armed forces for extra-judicially killing thousands of Sikhs. There is plenty of evidence of such killings collected by organisations, such as Amnesty International, People’s Union for Democratic Rights, People’s Union for Civil Liberties, International Human Rights Organisation.

Prolonged litigation gives no relief

“In fact, the Indian Government is not losing sleep in the matter of the alleged murders of non-Sikhs at the hands of Sikhs either. No wonder, it withdrew criminal cases against Simranjit Singh Mann, now President of Akali Dal (Mann), Atinderalp Singh, the then Chief of Khalistan Liberation Organisation. Both these men were said to be involved in the Indira Gandhi murder case. Atinderalp Singh was also charged with certain cases of bomb blasts aimed at demolishing India’s Parliament House in Delhi. Grave criminal cases or waging war against the

Indian Army against hundreds of Jodhpur detainees belonging to the AISSF and Damdami Taksal were withdrawn by the Government of India in recent months.

“The real issue is that young persons like Gill and Sandhu are not willing to give up their right to seek and agitate for self-determination for Sikhs and are not willing to share power on Government of India’s terms. Gill and Sandhu are the children of a wider world phenomenon” (IHRO Appeals to US Government-Set Free Gill and Sandhu, pp. 16).

The children of a world phenomenon

This phenomenon resulted in a new union treaty of the sovereign states in the USSR. The basis of the new understanding was not the ideology but the universal human values. The draft of the union treaty was finalised at the meeting of Soviet Republics on June 18, 1991, according to the USSR official news agency Tass.

Every republic signatory of the treaty is a sovereign state, the Union of Soviet Sovereign Republics is a federal democratic state, and it will exercise state power within the powers given to it by the republics. The republics will have the right to decide independently on questions pertaining to their development and will guarantee equal rights and liberties to all citizens in their territories. Priority will be given to human rights in accordance with UN declaration on human rights, according to the draft treaty.

The signatory states will be full members of the international community and would have the right to establish diplomatic, consular the trade ties with other countries, was another hallmark of the treaty.

India’s brutal handling of Sikhs

Given the international developments, India is swimming against the world current and wrongly assesses the course of world history. The long detention of Gill and Sandhu, the prisoners of conscience, is a typical example of India’s brutal handling of Sikhs. In addition, the high profile US co-operation extended to the Indian Government in keeping these two Sikhs in jail, is not without strings.

The federal magistrate, in early February 1988, endorsed Indian Government’s request to send back the two Sikhs to India. After the rulings, Ronald Kuby, the defence lawyer, condemned the Magistrate Ronald Hedges by likening his ruling to “sending Jews back to Nazi Germany”. Judy Russel, who led the case against Sandhu and Gill, vehemently disputed this.

The case took a bizarre turn on March 21, 1988 when the US Attorney, Samuel A. Alito Jr., asked the Federal Judge for a rehearing following his discovery that the US prosecutor had fabricated letters threatening to kill her and the American judge.

Samuel Alito informed the Judge that Judy Russel, the prosecutor at the first hearings, mailed threatening letters to her and Hedges. His request to restart the proceedings, he said, was in order to avoid any appearance of impropriety in the case. The threats were the reason for intense security arrangements at the hearing from February 1-5, 1988 in Hedges’ court. These included the shackling of the respondents, the deployment of sharpshooters on roof tops around the court house, the cordon off the streets and round-the-clock protection to Russel, and were the subject of repeated protests from defence lawyers, who complained that the “police state atmosphere” had prejudiced the judge.

There was no explanation given by the US government of the motive for its lawyer’s subterfuge except that she was suffering from a “multiple personality disorder”. True, the US judicial system could rarely be machinated due to diplomatic manipulations, but individuals like Judy Russel could be no means be puritans. That was why Ronald Kuby, who with fellow attorneys William Kunstler and Mary Pike defended the Sikhs, said, “We are very pleased that finally there has been some measure of justice in the Sikh case”. And that too, when an order to extradite the two Sikh to stand trial on murder charges in India was overturned on September 17, 1990 by federal judge”.

The Judge passes a just order

Judge Robert Sweet ordered the release of the two Sikhs within 30 days unless new extradition case was brought or his decision appealed against. Indian government refilled a new request for extradition. However, according to Mary Pike, the new request omitted a charge against Sandhu in the murder of General Vaidya in light of the confessional statements by his co-accused, Sukha and Jinda. The omission represented an admission by India that evidence earlier submitted, she said, was false.

Ron Kuby, a protege of the well-known maverick civil rights lawyers, and Mary Pike have been defending the case for over four years. Aziz Haniffa of the India Abroad from Washington on November 30, 1990 reported Kuby as saying: "We are not lawyers who simply take money for the case. We are lawyers who must believe that the case we pursue, is the just one. And through our discussions with the Sikhs here and in India, we have come to believe that the struggle for Sikh religious liberty is a profound struggle for human rights and ranks on a par with the struggle of Afro-Americans for civil rights".

Regarding Sandhu and Gill, Kuby in a message to the World Sikh News (WSN) said, "Their courage and perseverance during four years of illegal and unjust imprisonment serves to vindicate the highest and noblest tenets of the Sikh people; courage in the face of injustice and perseverance in the face of oppression."

...but the GOI files appeal

Mary Pike in her apparent swipe at the US State Department, which privately informed New Delhi that it had no objection to the extradition of Gill and Sandhu, said, "There are people in American government who are willing to let this happen". However, she declared, "We are committed to see that other American people know this and will not allow it until there is justice for Sikhs and other minorities in India".

IHRO is grateful to the defence lawyers especially Mary Pike, the energetic young person, who keeps it informed about the day to day proceedings in the Sikh case. IHRO is also thankful to Pike for the courtesies and assistance extended to D S Gill in his human rights mission in the US and for arranging an interview with her clients, Sandhu and Gill.

IHRO is very much concerned that the young Sikhs are rotting in New York jail for more than four years. IHRO is also concerned about the State Department's hardening attitude towards Sikhs in as much as it did not permit the prosecution to let the two SSF leaders go out on bail. The US, which claims to be a defender of human rights worldwide, cannot absolve itself of the responsibility of keeping these two young Sikhs behind bars at the behest of New Delhi. Another point in despair is that the State Department has put to sleep the IHRO representation seeking withdrawal of extradition proceedings against the two Sikh activists. The state's intrigues are manifold. We in IHRO therefore, call upon the US Court and the American consideration of the issue at stake.

IHRO has been of the consistent opinion that there is no rule of law in the state of Punjab. Democracy is a thing of the past. State repression is the only voice one hears in this police state. A fair trial in India is not possible. Judicial system has virtually collapsed. This situation of lawlessness is particularly disturbing in Punjab. The police are a law unto themselves. They pick up any one at will. Relatives rush to courts, which sometimes tell the police to produce the illegally detained persons.

The court official fired upon

There have been cases where the security forces not only flouted the orders of courts but have actually shot at court officials who went to get release of the victims. The case in point is the manner in which orders of the High Court were flouted by a mere CRPF cop.

According to a Punjab and Haryana High Court document, Gian Sharma, Warrant Officer of Punjab and Haryana High Court, had a miraculous escape from death as he was fired upon by a CRPF man at Ropar on June 8, 1991 when the former went there to raid a Government of India torture chamber in search of Balbir Singh and his wife Gurnam Kaur of Daon village. The Sikh couple was illegally picked up by Indian security forces, according to their lawyer, Prof. Bhupinder Singh, who filed a Habeas corpus petition before Justice H S Bedi of Punjab and

Haryana High Court with request that the court appoint an official to raid certain places in Ropar district to rescue the couple and to produce them before the court.

The judge issued "reviving hit warrants" empowering the court official, Gian Sharma, to raid all possible places to locate the couple together with lawyer Bhupinder Singh.

In his report submitted in writing on June 10, 1991, the court official informed the Punjab and Haryana High Court judge that a CRPF "Naik (a junior official in the Government of India's security organisation), Mohar Singh, fired upon him even after he had disclosed his identity to him as well as the purpose of his visit.

The official said that he (along with the lawyer) reached the CIA staff campus near the Sutlej at Ropar on June 8 at 6.55 PM Hans Raj, Constable No 423, was on sentry duty at that time. "The sentry did not allow us to enter into the premises. One Mohar Singh who was in plain clothes and who described himself as a Naik of the CRPF bolted the door from inside. After a while, Mohar Singh came out in uniform. I asked him to open the door after I had given my identification to him so that I could perform by official duty. The Naik said he did not care for the court order. He asked us to leave the place in no time. Other wise, he threatened he would shoot me (and the lawyer) dead".

The court official then narrated firing incident and said the Naik's shot whizzed past his feet. After the firing, the Naik again asked the court official to clear out "within two minutes" or else face death.

Punjab High Court is helpless

Gian Sharma and lawyer Bhupinder Singh thought it wise to leave their mission unfinished. They reached the residence of Senior Superintendent of Police, Mohammed Mustafa, at Ropar itself and explained to him the "entire position". The report quoted the SSP as telling them that he was already aware of the incident. He assured the warrant officer that the detenus would be released by the SHO, Kharar, and that he had issued necessary instructions to him.

At 7:45 PM, the warrant officer reached Kharar police station and recorded his arrival in the police roznamcha (daily register) at serial No 31 dated 8/6/91 but the SHO showed ignorance of the detenus. The warrant officer and the lawyer then proceeded to Chandigarh. Since Daon village is located near the highway, they thought it advisable to have another look at the residence of the Sikh couple. Gurnam Kaur was present in the house and she told the court official that the police had just then left her in front of her house after her detention for several days. However, the court official did not see the husband who remains untracked. (The husband, too, was later set free).

The High Court judge, meanwhile, issued contempt of court notice to the SSP Ropar, the Naik and the sentry concerned as well as to the state of Punjab.

Going by the past record of the Punjab and Haryana High Court, it will be a miracle if it proceeds meaningfully to punish the arrogant official of the Indian government. The courts virtually are helpless. The field officials have the powerful support from the Union Home Ministry and the Prime Minister's house. There is no question of any punishment of any security forces personnel because, according to government authorities, any such action would "demoralise" the forces who had been carrying on a "holy war" against Sikh militants and their supporters.

The Sikhs do not have any legal remedy

From Mustafa's statement to the warrant officer, it is evident that the security forces manning countless torture chambers in Punjab have standing instructions not to brook any interference in their "work" from any court and, if necessary, to kill any official trying to raid and locate the Sikhs being tortured there.

Notwithstanding the tall claims made by the Indian missions abroad, the stark reality in Punjab today is that the Sikhs have been left with no remedy to undo the wrongs done to them and the Ropar incident is the latest confirmation of the state of affairs in Punjab.

Another case, in which the orders of the Punjab and Haryana High Court were flouted and contempt of court proceedings evaded, concerns the fate of three young Sikhs, Devinder Singh Pujari, Rajinder Singh Pappu and Gurbaj Singh Jago, who were last seen on March 7, 1990 at the 85th Battalion of CRPF camp in Amritsar.

Amnesty International, in its 'urgent action' appeal on May 23, 1990, asked its working groups and sections the world over to send telegrams, telexes and airmail letters to the Indian Prime Minister, Home Minister, Foreign Minister and Punjab Governor to seek release or production in court of the three Sikh youths.

Three Sikh youths remain untracked

The UN Centre for Human Rights also took up the matter with the Indian Government regarding the "disappearance" of these Sikh men. The US State Department too, took note of these disappearances in its annual report for 1990. Nothing came out of it and the whereabouts of the young Sikhs remain unknown.

The international fora had taken up the matter based on the IHRO report, "India's Secret Blackholes". However, who cares for all this in India? According to the report, IHRO received a piece of information to indicate that the three youths were in custody of the CRPF. IHRO filed a Habeas corpus petition in the Punjab and Haryana High Court. Consequently, High Court Warrant Officer, R L Bhatia, accompanied by IHRO activists, M S Jawanda, M S Grewal and Bhupinder Singh Somal, raided the CRPF camp. The Warrant Officer's report clearly established as well founded the IHRO information.

The Warrant Officer could not get the judicial orders enforced. The CRPF men forcibly took him away from the venue of detention so that the youths could be smuggled out. They were taken in a CRPF jeep without numberplate. The Warrant Officer and the IHRO activists protested but no body listened to them.

In view of the report of the Warrant Officer, CRPF Commandant, P. Damodaran and Assistant Commandant, S Virinder were proceeded against for contempt of court by Justice J S Sekhon for not producing the youths in the court despite his specific orders. As a consequence of the contempt proceedings, the commandants were transferred from Amritsar to some other Indian State. No one thereafter attended the court. In this way, the CRPF officials evaded the legal process and the promised relief to the victims remained elusive.

India disregards its courts

Similarly, the Union and Punjab governments showed utter disregard of Punjab and Haryana High Court even as the Judge had specifically directed them to produce another Sikh activist Darshan Singh Dalla in the court.

According to a IHRO report, "How India disregards its courts", the High Court Judge, S. S. Grewal, in a writ petition filed by IHRO activist, D S Gill as "next friend", affirmed on October 27, 1989 that Darshan Singh Dalla remained in the custody of the security forces and ordered both the governments to produce him in the court. Both the governments disobeyed the court's order. Dalla was not produced on November 7, 1989 as directed or later, till the time of writing this report.

The police picked up Darshan Singh Dalla from Ropar Bus Stand on March 26, 1988. He was not produced before any magistrate. Dalla's wife, Paramjit Kaur approached IHRO for legal aid, hence the writ of Habeas corpus was filed but to no avail. IHRO comes to the inescapable conclusion that Dalla might have been eliminated by now. It is a matter of concern that the highest court in the state of Punjab should have been rendered powerless by the Indian State, which is not tired of proclaiming itself as the largest democracy in the world.

The politicians, too, put-down the judiciary

An independent and impartial judiciary is said to be the first condition of liberty. It is the custodian of the rights of the citizens. Today's disturbing position of the judiciary is a result

of its systematic suppression by certain politicians who have been at the helm of the affairs during the last few decades.

To what extent the Indian Judiciary is independent, is evident from a survey conducted by the Operation Research Group, a survey organisation. According to the survey report, the judiciary is not longer independent. The legislature and bureaucracy are a great threat to the judicial system. This report was prepared after interviewing more than three hundred lawyers from the Supreme Court and the High Court of Delhi.

High Court Judges pay for impartiality

In 1964, warrants were issued against two High Court Judges because they had entertained a Habeas corpus petition of a person sentenced by the Legislature and granted him bail. In 1973, when a full bench of the Supreme Court consisting of all the thirteen judges was hearing arguments in Keshvanand's case on the question of Parliament's power to amend the chapter of Fundamental Rights in the Constitution the Attorney General, appearing for the Union of India, conveyed to the Judges the threat of "alternative political action if the decision of the Court did not find favour with the Government".

The Supreme Court delivered its judgement on April 20, 1973, preserving Parliament's power to amend the Constitution but added that it could not do so in a manner as to alter or destroy its basic features. Even this limit on its power was not to the liking of the Government. In addition, the next day after the judgement was delivered, the Government passed an order, which had the effect of superseding three senior-most judges in the matter of appointment of the Chief Justice of India. It was not a mere coincidence that all the three judges were party to the majority decision. What could be a more effective way than this for the Executive to tell the judges "either fall in line with us or this will be your fate?"

Not only this, the ruling Congress (I) party at its annual session on January 1, 1976 passed a resolution calling for a complete review of the Constitution. In the same year, the Constitution 42nd Amendment Act, with a view to clip the powers of the Supreme Court, was passed which provided that no amendment of the Constitution by the Parliament shall be called in question in any court and that there shall be no limitation whatsoever on the Parliament to amend by way of addition, variation or repeal any provision of the Constitution. This by one stroke of pen, Parliament sought to scrap the decision in Keshavanand case and assumed an all embracing power, totally excluding the power of Judicial review.

Pliant judges elevated

In 1976, another occasion arose when the Executive showed its unmingled displeasure and demonstrated how costly it can be for a judge to voice any opinion against it. In the case of ADM Jabalpur versus SNS Shukla, popularly known as Habeas Corpus Case, the question before the Supreme Court was whether, during the subsistence of a proclamation of Emergency a detenu can challenge his detention in a court was whether, during the subsistence of a proclamation of Emergency a detenu can challenge his detention in a court of law on any ground whatsoever. Four Honourable Judges decided the question in favour of the Government while one expressed a dissenting opinion. This prompted the Government to repeat its 1973 strategy. Justice H R Khanna (who had given the dissenting opinion) was passed over in the matter of appointment of Chief Justice of India and he had to resign in vindication of his self-respect.

While on the other hand, judges who acted according to the wishes of the Government were bucked-up. In addition, it is no secret that the District and Sessions Judge who convicted and sentenced to death the alleged accused in High Court Judges who confirmed the sentences were elevated to the Supreme Court.

There is no plausible explanation to the odd transfers of two Punjab and Haryana High Court Judges made by the Government except that Justice S. S. Sandhawalia was transferred to Patna (Bihar) the day he was to take up hearing in case of the Punjab Rivers Water dispute and D S Tewatia to Calcutta (West Bengal) because he just had struck down some of the provisions of the TADA.

Justice Tewatia's sudden transfer was also necessitated for suppression of corruption charges against the then former Haryana Chief Minister, Bhajan Lal as there were several cases pending in the Punjab and Haryana High Court. The Union Government seemed eager to shelve these cases against its then Minister for Environment and Forests.

Tewatia was issued a transfer order the very next day, after he was sworn in as Chief Justice at Chandigarh. Earlier, he was shifted from Punjab to Karnataka on June 28, 1976 when he sharply reacted to the suppression of judiciary by a rotten administration during the Emergency imposed by late Prime Minister Indira Gandhi.

Independent judges punished

A recent case of victimisation concerns a Judicial Magistrate, J S Mander, who was immediately transferred from Ludhiana to Amritsar after he had issued a warrant of arrest of the then Union Minister, Bhajan Lal, now the Chief Minister of Haryana, on November 20, 1987 in a criminal complaint filed by D S Gill. The complaint quoted the Union Minister as directing the security forces and the general public "to kill Sikh terrorists rather than apprehending them and trying them in law courts" (A IHRO Report - The Fascist Offensive in Punjab, pp. 66-70).

Mander was humiliated, harassed and mentally tortured by the police at Amritsar. The police forcibly illegally evicted him from his official residence just to put in possession senior police officer. He was again transferred from there to Gurdaspur within a few months. He could not endure harassment and humiliation any more and died of heart attack in his young age of 42.

The Supreme Court of India, on the other hand, stayed the execution of the warrant of arrest against the accused, Bhajan Lal. The complaint is still pending in Ludhiana court but to no avail. The complainant has to present himself on every hearing in the court since 1987. However, the accused is a freeman because the Supreme Court is behind him and he has a great political pull.

Perhaps, that was the reason why most of the Sikh political groups and certain national political parties rejected the judicial inquiry ordered by the UP government to investigate the Pilibhit incident in which 10 Sikhs were shot dead by the police on July 13, 1991. Moreover, the track record of judicial inquiries is that nothing comes of them. The UP State government more to pre-empt the Union government in instituting an investigation than to get at the truth, ordered a judicial inquiry because there was a big uproar in the Parliament.

Media reactions to Pilibhit carnage

India's political parties and the Hindu media, with a few exceptions reacted to the Pilibhit incident in an interesting manner. The bureaucracy, both at Delhi and Lucknow, the UP State's headquarters, supported the police criminality clearly. There was no protest in the Indian Parliament on the first day of the incident either. Then the incident was used as a stick to beat the BJP government in UP. There were demands of inquiry by a team of Indian Parliamentarians. The ruling Congress (I) party too joined the chorus even after a Home Ministry spokesperson had defended the fake encounters. The former Home Minister, Buta Singh, took the lead.

The BJP leader in the Parliament, L K Advani announced that a team of four BJP MPs would be going to Pilibhit immediately. "If the version of the report is correct, it is very serious matter and appropriate action must be taken", he said. He could not resist a jibe at Buta Singh however, and remarked that while the situation in Punjab was very bad, his (Buta Singh's) party was very particular about UP. In addition, it is a fact that not a day goes by when 15 to 20 Sikhs are killed in Punjab by the security forces.

The issue was raised by Tara Singh but was taken up later by Buta Singh. He warned that if this genocide were allowed to continue in UP there would be repercussions in the rest of the country. The UP police involved should be suspended and CBI inquiry instituted, he suggested. Members of the left parties and the Janata Dal also took up the issue and several MPs including Basudev Acharya, Malini Bhattacharya (CPI-M), Naini Bhattacharya (RSP), and Mohan Singh and Rajnath Shastri (JD) raised their voice against the Sikh massacre.

IHRO team, consisting of Mohinder Singh Grewal (General Secretary) and Harchand Singh Gill advocate and assisted by Vinay Kumar Saxena and Mohan Singh, both lawyers from Pilibhit, investigated the matter. They made on the spot inquiries, met dozens of persons including relatives of the victims and pilgrims, who were eyewitness to the abduction of 11 Sikhs by the police.

The Pilibhit police killed the 10 Sikhs in cold blood on July 13 and the BJP government was involved in the crime, according to IHRO investigation report.

Youths separated from women and old men

According to the investigation report, a Sikh pilgrimage party comprising nine women, three children, two old men and 11 youths coming from Hazoor Sahib on their way to Pilibhit on Hindustan Travels bus (UP-26-0245) was stopped at Kachla bridge, 120 kms from Pilibhit, in Badaun district by the Pilibhit police party led by Brijinder Sharma, additional S P. All the 11 youths were taken out of the bus and bundled into the police van. The bus and the van were escorted to Madho Tanda rest house in the forest at noon. District police chief, R D Tripathi allegedly responsible for gunning down over 100 Muslims at Maliana near Meerut in 1987, also reached there.

The police chief, after deliberation and probably getting clearance from the Home Department decided to eliminate the youths. All the 11 youths were taken out in police vehicles in three batches at the nightfall. The report revealed that Baljit Singh Pappu, Jaswant Singh Jassa, Harminder Singh Mintu and Surjan Singh were killed in Mahauf forest in Gajraula police station while Jaswant Singh Fauji, Bachittar Singh, Lakhwinder Singh and Narinder Singh were gunned down in Fagunai forest on a river bank, and Tarsem Singh and Kartar Singh were murdered in Puranpur forest. The fate of the 11th youth Talwinder Singh (23) resident of Nawadia Banki village in Shahjahanpur district, is still unknown, according to his father, Malkiat Singh. After the removal of the youths from there, the police let off the other pilgrims at Gurdwara Pilibhit at 10 PM.

The media reports that three youths grappled with the additional SP, roughed him up and tried to snatch away his AK-47 in the ensuing melee and that they tried to flee towards the forest but the local villagers caught them and handed over to the police, further established that they were in police custody a day before they were eliminated in the three faked encounters. This was established through eye witness accounts and information provided by intelligence and police sources, according to the Times of India, the national daily which took the lead in highlighting the issue.

An eye witness account

On July 13, at the break of dawn, Mohinder Singh, a Marauri Gurdwara preacher, saw two police jeeps on the dusty track in the Phagunai forest carrying four trussed up men among others. Two Provincial Armed Constabulary (PAC) trucks carrying armed constables followed the jeeps. All the vehicles stopped there for a while and the four Sikhs were taken to the Khannaut River. They were shot dead amidst screaming. A Sikh farmer who owns a farm house adjacent to the site of 'encounter' revealed that the firing continued for two minutes before the cries subsided. Similarly, the police stage-managed encounters in Neuria and Puranpur forests.

The SP, Pilibhit, R D Tripathi's claim later in the day on July 13 that his police force had gunned down 10 militants in fierce encounters with the police, the PAC and the CRPF personnel at three different places, was a total concoction because all the victims were unarmed and were already in police custody since July 12 from 11.45 am. The fact that the State government announced rewards to the police officials involved in the "encounters" for their "bravery" goes to show the involvement of the BJP government, more specifically the home department.

According to Tripathi, the encounter at Fagunai Ghat took place around 8 PM on July 12. The second encounter near Panabaghi forest in Puranpur took place at 11.30 PM while the third took place at 3 am on July 13, the next day. However, the police did not provide the copies of the FIRs to the court until July 22.

This fact came to light only when the IHRO team on July 22 applied to the Additional District Magistrate, Pilibhit, Balwant Singh Chohan to get the copies of FIRs and the Magistrate had to remark on the application that “the court has not received these documents from the police so far and the copies of the FIRs will be made available to the petitioner as and when the court receives them”.

The eyewitnesses, however, gave an entirely different account in all the three encounters. The IHRO investigations revealed that the encounters were stage-managed early in the morning of July 13. The diabolical manner in which the operation was carried out could be judged from the fact that family members of all those killed in the “encounters” were asked by the police to leave Pilibhit district.

Similar were the findings of the Indian Minorities Commission (IMC). The team comprising Balwant Singh Ramuwalia and S Wardarajan also recommended suitable compensation to next of kin of the deceased.

BJP, too, calls it fake encounter

The four-member BJP team led by Madan Lal Khurana, MP, concluded that the police version of the Pilibhit incident was not believable and that the 10 persons were killed in a fake encounter with the police. Alleging that the incident had been blown out of proportion by other parties to discredit the BJP government in UP, Khurana pointed out that there had been 15 similar encounters over the last 18 months but no inquiry had been ordered into them. “I would ask Mr. Buta Singh why no one has been punished for 1984 Delhi “riots” which occurred when he was home minister”, he added. The Minorities Commission, he lamented, had visited Pilibhit, but not Jammu. The standards applied to the Punjab and Jammu and Kashmir police should be applied to the police in the Terai region.

About 200 persons gheraoed the BJP team in support of the Pilibhit police justifying the killings. The mob indulged in slogan shouting which ranged from “Jai Shri Ram” to “Jo Hindu hit ki bat karega wahi desh per raj karega” (Only those speaking in favour of Hindus shall rule the country), according to IHRO activist Mohinder Singh Grewal. Many knew, he said that the police officials egged the mob mostly comprising BJP activists.

The senior police officials manipulated this show ostensibly to send a message to the BJP government in the state that the police would not sit idle in case any of the officials involved in the July killing was punished. A group of Pilibhit BJP leaders who met the BJP team argued, “what is wrong in killing militants in fake encounter?”

But no action against culprits

These police officers continued their lobbying to stall proceedings against those involved in the killing on the pretext that it would demoralise the police force which was combating “terrorism” in the Terai region”. “Not that I like justice less but I like the morale of the force more”, said the IG, J K P Singh, justifying the killings.

According to the latest IHRO information, the police virtually rose in revolt in Pilibhit in the wake of the transfer of SP ordered by the state government to ensure an “impartial” judicial inquiry to be conducted by a sitting judge of the High Court into the killings. The situation took a turn with the police personnel deserting the posts, depositing their arms, holding demonstrations, and demanding cancellation of the transfer. According to the home office, the issue had been resolved but the reports reaching here indicated otherwise. The whole police in the area went on strike until it was assured that no one would be punished.

The markets in Pilibhit also remained closed. The police had denied any hand in closure of the shops which, the police alleged, was at the behest of the traders themselves. A home office spokesperson admitted that the resentment among the police manifested following the transfer of SP, R D Tripathi.

Shock, anger and despair at the fake encounters were evident in the entire Terai area. This became clear when a member of the Nanak Mata Sahib Gurdwara Committee exhorted a

group of Sikh youths to take up arms and prepare for a long struggle. "We cannot remain a mute witness to the ghastly killing of our boys by the state force", he said.

In the recent past, the home secretary, A K Rastogi went out of the way to favour the Pilibhit SP, Tripathi, who was involved in the massacre of innocent Muslims in Maliana near Meerut. Though Tripathi was denied promotion because of the charges, Rastogi got him posted at Pilibhit despite stiff opposition by senior officers, according to the media reports.

Culprits have Hindu mobs' support

SP Tripathi and his additional SP Brijendra Sharma masterminded the fake encounters, the IHRO report concluded, after getting a clearance from the home department through Home Secretary, Rastogi. The subsequent justification of the killings in the fake encounters by the UP Home Minister, Surya Pratap Sahi and Health Minister, Dinesh Jauhri, strengthened the IHRO view that the BJP government was involved in the Sikh massacre.

The five-member Congress (I) team termed the Pilibhit killings "pre-planned", "cold blooded murders". The team emphasised the need to restore a sense of security in the Terai region, particularly among the minority Sikh community and demanded that the criminal-police nexus in the region must be detected and the culprits brought to book.

On the incident, the Akali Dal (Badal) felt that the action of the UP police was in line with that of the Punjab, which had killing youths in fake encounters for the last one decade. Parkash Singh Badal demanded that cases of murder should be registered against the guilty police officials. The Akali Dal (Mann) led by Simranjit Singh demanded a CBI inquiry into the incident and compensation of Rs 5 Lakh to each family of the deceased.

IHRO Chairman D S Gill, while releasing a report to the Press at Ludhiana on July 25, 1991 said that the Pilibhit incident should not be seen as an isolated act but it was a culmination of what the law enforcing agencies were doing in Punjab. It started with the Sikh carnage of 1984 when the present Prime Minister P V Narsimha Rao was the Home Minister. Then, he added, came the Bidar and Jammu anti-Sikh violence, instigated and encouraged by the state agencies and now it was Pilibhit, the mass murder of 10 Sikhs. These incidents, he said, strengthened many people's belief that "the Sikhs are not safe in any state of this country".

The November 1984 Sikh carnage did convey a message but its full significance was not comprehended by the world at large. Rajiv Gandhi following the announcement of the assassination of Indira Gandhi on October 31, 1984 then inducted the present Prime Minister P V Narsimha Rao as Home Minister. Most of the Delhi based human rights organisations including the People's Union for Democratic Rights (PUDR), the People's Union for Civil Liberties (PUCL) and the Citizens Commission in their reports had indicted Narsimha Rao for not taking immediate remedial actions including the calling in of the army.

Bidar killers go scot-free

The September 14-18, 1988 incidents at Bidar in Karnataka State once again sent shock waves and indignation among all democratic individuals and international human rights community when, for four days, the writ of law did not run in the city. The communal chauvinists ran amuck and innocent students and persons belonging to the Sikh community were subjected to untold miseries. The town was virtually rocked by looting, arson, mayhem and murder. Six Sikh students were brutally murdered and dozens injured (Bidar-A nail in the coffin of Indian unity, IHRO report pp. 44).

The November 1984 spirit worked at Bidar. It has been largely established that the Sikhs were subjected to pre-planned conspiracies and the persecutors were encouraged by fact that those responsible for 1984 Sikh massacre had gone scot-free, nay, they were rewarded with berths in the Central cabinet.

Similarly Karan Singh was rewarded with a plum foreign service post of ambassador to the USA for his anti-Sikh role in the January 1989 Jammu violence in which 14 Sikhs were killed, three Gurdwaras destroyed and many injured. A peaceful procession of Sikhs was attacked by Hindu fundamentalists of Shiv Sena, patron aged by Karan Singh, instigated and aided besides

Indian intelligence agencies by the Congress (I) and the BJP leaders like Chaman Lal Gupta and Mangat Ram.

Jammu murderers rewarded

The IHRO activists D S Gill and M S Jawanda made investigations into the matter. According to them, the attack was well planned and organised by the Intelligence Bureau (IB) of the Indian government and executed by Shiv Sena activists. The Sena activists numbering 22 were marked. They were arrested and subsequently set free due to political pressure. No one was ever punished for the violence in Jammu.

Now the Pilibhit killings send an important new signal. The message rings clear and loud that Sikhs are not safe in any part of the country, no matter which party heads the government in that state. It was the Janata government in Karnataka. It was the National Conference (Dr. Farooq Abdullah) in Jammu and Kashmir. In addition, this time it was the BJP in UP.

In yet another case, the police and the subordinate judiciary flouted the orders of the Punjab and Haryana High Court. Justice Amarjit Chaudhary of the High Court appointed a warrant officer to get the release of Bachan Ram and Sadhu Ram, who had been illegally detained by the officers of the Rajound police station in Kaithal district of Haryana State. The warrant officer raided and searched the Rajound police station on June 25, 1991 and found the two detainees in illegal detention. Mam Chand SHO of the police station in front of the warrant officer mercilessly beat the detainees. The High Court judge issued contempt notice on July 8 against the SHO for disobeying the orders of the court and misbehaving with the warrant officer.

Strangely, the Chief Judicial Magistrate, Kaithal, Navita Parsoon and the Additional Session Judge, Kaithal, R K Bhasin, showed their inability to execute the High court's orders for release of the detainees.

The question that remains unanswered is as to what is the sanctity of the orders passed by the High Court. The result being that the detainees remained under illegal custody and there is no hope of their release so far. In addition, they are not Sikh militants either. All this confirms the view that there is a total collapse of the judicial system in India more particularly in Punjab and for the Sikhs.

A few glaring examples as to how the orders of the lower judicial courts in Punjab are violated and the modus operandi that once an accused is granted bail or let off from the jail, the "special" police parties whisk him away and frame him in some other fresh cases so as to keep him behind bars, are other additions in the argument.

This arrest-release-rearrest game caused a tiff between the police and the judiciary, according to Ramesh Vinayak, The Tribune correspondent at Amritsar. According to him, every morning the police parties belonging to the Amritsar, Tarn Taran and Majitha police districts position themselves outside the main gate of the high-security central jail to re-arrest those charged under the TADA. Such attempts by the police even inside the court premises have made mockery of the law courts.

Police action in court rooms

Recently, the police tried to re-arrest SSF leader, Rajinder Singh Mehta, who was granted bail on July 30. As soon as the court made its pronouncement, an ASI tried to take him into custody in the courtroom itself. The judge tried to intervene and in the melee that ensued, Rajinder Singh Mehta managed to slip away from the rear door of the courtroom, much to the discomfiture of the police. In addition, he went underground.

Significance fallout of the police's action is that numerous Sikh activists fearing re-arrest under fresh charges, torture and liquidation at the hands of the security forces are not applying for bail. In this way, they are not able to exercise their legal right of bail. The courts have been rendered meaningless. The police are law unto itself in Punjab.

If certain Sikh activists, some-how, manage to exercise their legal rights and come out of jail, they are not allowed to stay at their homes. The security forces continue to raid and search their

houses to pick them up repeatedly. The net result is that they take up arms to resist and state tyranny.

Sikh youth of America killed

Meanwhile, the IHRO received information from Balwinder Singh of New York to the effect that Sukhbir Singh Dhillon, an activist of the Sikh Youth of America (SYA) had been killed allegedly in fake encounter by Amritsar police on July 3, 1991. Balwinder Singh in his letter disclosed that Sukhbir Singh along with his elder brother Ajit Singh and Sister Baljit Kaur had come to Punjab for the marriage of Baljit Kaur, who got married on June 3. Ajit Singh returned to USA after the marriage while Sukhbir Singh decided to stay for about a month more. He was also married in Punjab last year on May 26 and his wife Rajwant Kaur was staying here since then.

The IHRO headquarters took up the matter and asked its Administration Secretary Gurbhajan Singh Gill to look into details of the matter. He along with Naib Singh, secretary for information and documentation, conducted investigations and prepared a report basing conclusions on a series of detailed accounts collected by them.

According to the IHRO report, the Amritsar police and CRPF party picked up Sukhbir Singh Dhillon from a three-wheeler scooter on July 3 at noon when he was on his way from his village Thande to Amritsar. He was severely beaten up at the spot by the security forces personnel and bundled into a police jeep in the presence of dozens of persons present there at that time and he was taken away to an undisclosed place.

One of the eyewitnesses to the abduction, who knew Sukhbir Singh personally and who did not want to be identified, informed immediately next of kin of Sukhbir Singh at his village Thande. Relatives and villagers then made a prompt contact with the SSP, DSP and other concerned police officials but no one responded positively. They returned home, disgusted as they were.

Next day the police told newsmen at Amritsar that Sukhbir Singh and one Deesh Isai along with two unidentified militants were killed in an armed encounter with the police near Kiratgarh Thande village, three kms away from his village. Hearing the news, the relatives and the villagers immediately approached the police for receiving the body. The body was not handed over to them. The police cremated the body as unclaimed.

Police claim, a lie

The police claim that Sukhbir Singh along with others was gunned down in an armed encounter with the police force, is a total lie and it has been fabricated to suppress the crime. He was already in the police custody as the police picked him up earlier in the day in full view of the public.

The IHRO in its report asserted that Sukhbir Singh was murdered in cold blood while in police custody. A few days earlier before he was killed, he went to Delhi airport to leave India for New York but was not allowed to go on one pretext or the other. In the IHRO opinion, he was then a man marked for liquidation. Indian intelligence agencies then became active and got him eliminated a few days later alleging that he was an active member of the BTKF and was responsible for gunning down Balbir Singh Ranike, Akali Dal (Badal) candidate for the Assembly elections.

However, according to Balwinder Singh of New York, Sukhbir Singh was an active member of the Sikh Youth of America and was running a taxi business along with his younger brother Kuldip Singh in the New York City since 1987.

He was always worried about the bad human rights situation back home in Punjab and was committed to Khalistan. Perhaps, he has been eliminated for his sharp religio-political views on Khalistan, added Balwinder Singh.

A young Hindu professionally dedicated journalist Dinesh Kumar from Chandigarh reported in the Times of India a shocking story of how a SSP, Sumedh Saini, let loose a reign of terror in Chandigarh city's satellite town of Mohali.

SSP Sumedh Saini - the terrorist

According to the Chandigarh report, families of suspected harbours of militants were intimidated with threats and torture since a police post in the city was attacked recently. A Home Guard cop was killed and three persons, including two police officers, injured in the incident.

A 62-year-old-riot-affected migrant from Calcutta, Karam Singh, his wife, Satwant Kaur, and their two sons, aged 18 and 14 were repeatedly beaten up by the police. Their 18-year-old son, Avtar Singh was then languishing in police custody. Karam Singh had migrated to Punjab in 1986, after staying in Calcutta for 26 years. His wife, Satwant Kaur, is an aunt of Manjit Singh, president of an AISSF faction.

However, ever since they identified the three militants who had intimidated them from photographs, they found themselves caught between the devil and the deep sea. The police regarded them with suspicion and stepped up their harassment.

A slightly built man with a white flowing beard, Karam Singh broke down while narrating the treatment meted out to him on one occasion. "They pulled at my beard, dragged me into an adjoining room and began beating me up. Some of them began hitting me on the head with shoes. Then they turned to my 14-year-old son". The police officers, according to Karam Singh, were led by the SSP. He rolled up his trousers and sleeves to show the wounds on his limbs and then sobbed uncontrollably.

On several occasions his wife was pulled by her hair and beaten up. "They stripped my son naked, pulled his legs apart and pressed heavy wooden rollers on his thighs", said Satwant Kaur of one such raid. "He continues to remain in custody and I have been warned by the SSP against approaching his superiors or talking to the Press. However, I cannot bear the agony any more. I have to talk to someone. Please help me...", she pleaded.

Equally traumatic has been the experience of Kamaljit Kaur (35), whose husband has been absconding following alleged police harassment. Her husband, Sukhdev Singh who owns a gas station and a transport agency, and is president of the Ropar district truck transporters union has been absconding since last May after a police party raided their house.

The Sikh woman tortured and abused

According to Kamaljit Kaur, her husband had left for his village when the police party first arrived. It was 8 PM. She was reportedly dragged to the police station while her house was locked up. Her Children, aged 14, 11, 8 and 4 had to seek refuge with a neighbour. At the police station, she was allegedly beaten up and tortured with the SSP joining in the exercise. "I was beaten with sticks, my legs were pulled apart and all sorts of abuse hurled at me because they refused to believe that my husband had gone to the village," she said in a choked voice.

Later, a case under TADA was registered against her and she was confined to jail for a month before being released on bail.

Recently a police party led by the SSP, allegedly descended at her house at 2 am and a search was carried out. She was again beaten up since she could not give her husband's whereabouts. Saini was under the influence of alcohol and kept puffing at a cigarette sitting on the sofa when she was being tortured, she recalled.

Her 14-year-old daughter, Gaganpreet Kaur, was allegedly abused and slapped by the SSP. On his orders, their tenant, a Sikh, was reportedly brought down and abused. The police officers then departed with three of their vehicles. The SSP was allegedly drunk and there were no policewomen accompanying the group in violation of government orders. Policewomen were also absent when Kamaljit Kaur was earlier taken to the police station. She has been allegedly warned by the SSP against approaching the governor, any political party or even the

Press for this would invite the family's annihilation, she said. She has been asked to produce her husband by August 1, failing which her family would be wiped out, she added.

Repeated efforts to contact the SSP and the IG of Chandigarh failed. The ADC to the governor said that Gen. O P Malhotra would not be available for comment before Monday as he was "very busy". The Chandigarh home secretary was also not available for comment since he was "out of station".

A five-member IHRO committee for research and information, after receiving complaints, sworn affidavits, news media reports and official statistics during the month of July 1991, documented a report on killings by the security forces and individual groups in Punjab. The killed included policemen, para-military force personnel, officials, politicians and civilians, both Hindu and Sikh alike.

Over 400 Sikhs killed in July 1991

In July 1991 the security forces liquidated 244 Sikh activists in different ways while individual armed groups killed 254 civilians. According to official statistics, Sikh armed groups killed 58 security personnel and 27 were injured during the armed clashes with the militants.

Individual and state sponsored violence, on the other hand, took 254 lives of innocent civilians and 72 were injured during attacks on their lives. The killed and injured included a few women. Individual groups responsible for these crimes could not be identified except that, in some cases, Sikh militant groups took responsibilities for gunning them down. Moreover, there are state sponsored secret killing squads, who are very active in Punjab and assigned the job of eliminating the Sikhs and Hindus alike. They operate in the guise of militants. It is, therefore, very difficult to know the real culprit in each case.

The security forces killed at least 10 militants by stage-managing fake ambushes, according to IHRO records. They included KCF Area Commander Lakhwinder Singh, Ranjit Singh, Narinder Singh, Babbar Baljit Singh Bitta, Narinder Singh, Jagdish Singh and Kishan Singh. One Gurmit Singh was shown to have escaped when he was being taken for the recovery of arms. Two unidentified youths were also shot dead in fake ambush.

The state sponsored vigilante and individual groups killed during the month of July 47 militants and their sympathisers allegedly in inter-gang rivalries. Only a few killings were owned by Sikh militant organisations. Those killed in this fashion included BTKF activist, Mehtab Singh, Ajit Singh, Balbir Singh, Surjit Singh, Kaushalya Devi, Amarjit Singh, Iqbal Singh, Charanjit Kaur, Satnam Singh, Nirmal Singh, Balbir Kaur, Roop Singh, Jaspal Singh and his father Dalbir Singh and Niranjan Singh and his son Santokh Singh.

Those killed in the alleged police encounters included BTKF activists Pirthipal Singh Dholewal, Sukhdev Singh Bholia, Bachittar Singh alias Nirmal Singh, KCF (Panjwar) activists Dilsher Singh Shera, Vijaypal Singh, Dr. Barjinder Singh Panjwar, Tarlochan Singh, Babbar Amarjit Singh, Harpal Singh, Bagicha Singh, Nishan Singh, Kabul Singh, KLF activist Gurmej Singh, his mother and a relative, KCF (Zaffarwal) activist Nirmal Singh and Kashmir Singh and Amrik Singh Chathe Sheikhwan and Gurtej Singh Bhulheri.

The police alleged that a nine persons took cyanide when they were allegedly cordoned and had no way to escape. All the nine persons died due to poison. Four of them were identified as Binder Singh alias Sukhwinder Singh, Amarjit Singh Bittu of BTKF, Amarjit Singh Amba and Sukhwinder Singh Chand Baja.

According to the police version, KCF (Zaffarwal) Lt. General Jaspal Singh Jassa Santuwal along with his three companions was gunned down by the security forces in an encounter near Kapura village in Faridkot district on the intervening night of July 5 and 6. While, on the other hand, Bhai Gurjant Singh Rajasthani, Bhai Yadwinder Singh Yaadu and Bhai Takht Singh Takhta of the KCF claimed (as reported in the news media) that Bhai Santuwal was picked up a day earlier before he was shot dead in cold blood by the Mehna police from Moga town.

Similarly, the police claimed that they shot dead two Sikh youths in an encounter near Nilowal village, three kms from Sunam town in Sangrur district on July 4. While a student leader, Gurmit Singh from that area alleged that the villagers of Khadiala village produced both the youths before the police in the morning of July 4. They shot them dead in a faked encounter the same day after noon. They were later identified as Amrik Singh and Gurtej Singh of the BTKF (Sangha).

Dr. Barjinder Singh Panjwar, vice-president of the Sikh Students Federation associated with Bhai Daljit Singh, was killed by the police allegedly in an encounter on July 23, 1991 at village Chheherta, the out skirt of Amritsar city, near Partap Singh Steel Mills. However, according to his mother, the police from the residence of Massa Singh Parjapat earlier picked up Dr. Panjwar. He was so tortured, she said, that his neck was broken. Later the police showed him killed in the encounter.

The police in a brazen show of force frustrated the efforts of the relations and other people to perform last rites in accordance with Sikh tradition in the memory of the slain militant, Dr. Barjinder Singh Panjwar, Bhai Sarabjit Singh Panjwar and Bhai Tarlochan Singh. The security forces took up positions on all ways leading to Panjwar village. Even a party of journalists was not allowed to move forward.

Several leaders of Akali Dals and others who wanted to join the function could not reach there as most of them were detained and were humiliated. Among those who wanted to reach the village were SGPC chief Baldev Singh Sibbia, Mann Dal General Secretary Ranjit Singh Brahmpura and Jathedar Kartar Singh Narang of Babbar Akali Dal Bhai Narang and Prof. Baljinder Singh alleged that the police took them to the police station. On the way, the police beat Bhai Narang.

Dr. Barjinder Singh Panjwar's father Harbhajan Singh Panjwar, alleged that the security forces did not allow even his relations to participate in the Bhog ceremony. Other villagers too were prevented from joining the function.

Punjab Assembly candidate killed in police custody

A IHRO Watch August 1991

The Kashmir issue was internationalised by Kashmiris abroad in July 1991 to bring to bear moral pressure on India to agree to give the people of the valley right of self-determination. The effort was launched at Washington on July 13 at a conference that turned into a bitter and scathing attack on the Indian government and its security forces for what several speakers called "the inhuman brutality and campaign of terror".

Lord Avebury, Chairman of the British Parliamentary Human Rights Group and US Republican Congressmen Dan Burton joined in issuing a call for taking the Kashmir issue back to the UN Security Council. Lord Avebury went to the extent of suggesting that the international community raise the Kashmir question as one of colonialism.

Kashmir Issue Internationalised

The international conference on the Kashmir freedom struggle organised by the World Kashmir Freedom Movement dealt with the history of Kashmir, Indian occupation and its consequences, UN involvement, the uprising and the international community's role and responsibility.

Ashraf Quareshi, First Secretary, Pakistan mission to the UN, Declared his government's determination to raise the issue at the world forum "till a solution is found on the basis of relevant resolutions of UN Security Council and the spirit of the Simla Agreement". In addition, the conference adopted a policy resolution that the organisers would use as the basis for worldwide lobbying effort to draw global attention to right of the Kashmiri people to self-determination as promised by successive UN resolutions.

The resolution also called on the US and the then Soviet Union to sponsor a meeting between all parties to the conflict Pakistan, India and the Kashmir people to address the immediate concerns of human rights and individual security in Kashmir. It urged the UN Secretary General to take steps to establish necessary conditions for the holding of a free and impartial plebiscite.

India took strong exception to the “misuse” of the UN sub-commission on prevention of discrimination and protection of minorities at Geneva by the Jammu and Kashmir Liberation Front (JKLF) for its anti-India “tirade”. A representative of the JKLF was invited by a non-government organisation (NGO) called ‘Liberation’ to its banner to address the session of the UN sub-commission.

Aid linked to human rights

About 200 supporters of the Jammu and Kashmir People’s National Party and the JKLF held a demonstration outside the Indian High Commission, London, on 45th Indian Independence Day, August 15. They shouted slogans demanding “Independent Kashmir” and protested against grave human rights violations in the valley. A delegation led by Lord Avebury later handed over a petition to the High Commissioner staff on the human rights situation in Kashmir.

The British Government on August 18 through its minister for overseas development, Lynda Chalker, declared that it would no longer grant aid to Third World countries with a poor human rights record and would seek European Community (EC) support for its stand. Foreign Secretary Douglas Hurd had informed EC President, Jacques Delors, reported and Sunday Times.

“Poverty neither excuses nor justifies tyranny, torture or corruption”, Chalker said adding, and “errant regimes can no longer cloak their authoritarian tendencies in Marxist jargon or look to a super power to bail them out”.

US Congressmen David Dreier and Vic Fazio on August 8 released a congressional report outlining human rights abuses in India. The report offered “significant evidence of a tragic and on-going problem of human rights abuses against civilians by the Indian security forces. The Congressmen in the news release at Washington hoped that the report would intensify efforts to communicate their concerns to the Indian government.

Indian politics fragmented

Prepared by the Congressional Research Service, the report noted that “separation and civic strife have played a significant role in growing fragmentation of Indian politics”. In response, “normal constitutional guarantees have been suspended in Kashmir, Punjab and the Northeast” by the Indian government. The report indicated that the overall human rights situation had deteriorated rather than improved in the past year. The government reaction to the rising violence in Punjab led to violations of fundamental rights. The security forces often over-reacted to incidents by using excessive force, preventive arrests, detention, torture, “encounter” killings and other means of repression. The situation in Kashmir also deteriorated.

In December, 1990, a delegation from Amnesty International met with senior officials from New Delhi but was denied access to Punjab, Jammu and Kashmir and the Northeast on grounds of inadequate security conditions, added to report.

The purpose of the study was to evaluate the credibility of the continuing reports of rights abuses as well as to provide an independent analysis of the situation for the Congress, which was facing a number of bills and amendments regarding US aid and relations with India.

A two-member British Parliamentary, delegation comprising Labour MPs, Gerald Kaufman, shadow British Foreign Secretary, and David Fahan on August 9 held talks with the government authorities and human rights activists at Srinagar on their three-day “fact finding” mission to the state of Jammu and Kashmir. They visited sensitive areas like Baramulla and Kupwara in the valley.

India insults UK Parliamentarian

In Delhi, they met the Prime Minister, the External Affairs Minister and the Home Minister at the end of the five-day visit to India. The remarks of the Home Minister, S B Chavan in the

Parliament when he referred to Gerald Kaufman as “halfman”, indicated that Kaufman’s strong views on the Kashmir issue had ruffled some feathers in the government. Chavan made it clear that India was extremely unhappy about Kaufman’s visit. The Home Minister was upset over Kaufman’s statements on Kashmir, pointing out that this speech of a plebiscite in Kashmir and need to internationalise the issue was contrary to the position taken by the UK government.

Kaufman is also on record asking the people of Kashmir to pressure the Government of India and Pakistan for negotiated settlement to the issue and he offered his support in this regard. In addition, he urged the Indian government during his talks with leaders in New Delhi to accept the ‘good offices’, of the Common wealth to resolve the problem as it was no longer a bilateral issue between India and Pakistan.

In a significant move that may set a precedent for other industrialised nations, Germany will soon begin cutting its foreign aid to countries that spend much in weapons, reported Stephen Kinzer on August 2 from Bonn for the New York Times.

“We are going to be looking closely at the level of spending for arms, and also at factors such as human rights and economic freedoms in the various countries’ the Minister for Economic Co-operation, Carl-Dieter Spranger said in an interview, adding that “our help will be directed to countries with efficient and honest administrations, countries that enjoy what is generally called good government”.

India among the guilty states

Spranger would not identify the countries whose aid may be reduced, but internal ministry documents obtained by German reporters suggested that China, India, Pakistan, Syria and Indonesia were likely candidates, added the New York report.

In another significant move, US President Bush named Republican Congressman Dan Burton, champion of human rights and a long standing friend of Sikhs, as a Congressional delegate to the United Nations General Assembly.

“I am looking forward to participating in the UN General Assembly, which will give me an opportunity to pursue some important issue that I have been working on the Congress”, said Dan Burton adding that his top priorities would include “attacking human rights abuses in India”.

A press release announcing Burton’s selection noted that during House consideration of foreign aid legislation, Burton made an impassioned speech criticising the Indian military and security forces for alleged atrocities in Punjab and Kashmir.

Rights fighter as US spokesman

“You can bet that India is going to come up for much closer examination and scrutiny with Congressman Burton on the US delegation. You can be sure that he is not going to be a wallflower. He will aggressively push for human rights violations in Kashmir and Punjab and for the UN to implement its resolutions for a plebiscite in Kashmir” added the release, according to Voice of Khalistan, a Norway-based fortnightly (26 Aug., 8 Sept., 1991).

Back home in Punjab, a former police officer (IPS) Surendra Nath replaced a military officer, General O P Malhotra as governor of the state. Nath was sworn in on August 7. He was associated with “Operation Bluestar” in which Indian army attacked the Golden Temple in 1984. He had retired as Inspector General of Police in Jammu and Kashmir. He was an Advisor to the Governor of Punjab from 1983 to 1985. Nath’s appointment followed a pattern involved by the Indian government is dealing with minority regions. This was sufficient to indicate the content of New Delhi’s Punjab policy.

Not a day passed without a dozen odd Sikhs being killed mostly in fake encounters in Punjab and elsewhere. Complaints of excesses against members of the families of militants and others were galore during August, 1991. Neither the Government of India nor its administration in Punjab took action against the erring security forces on the ground that any such action would “demoralise” the forces.

Constable tortured to death

In a series of specific cases of police torture, Karamjit Kaur widow of Chandigarh police constable Manjit Singh alleged in her application made in the court of Jagdip Jain, Judicial Magistrate, Chandigarh that her husband died at the Sector 16 General Hospital on the night of August 16-17 as a result of police torture. She requested the court to restrain the Chandigarh police from cremating the body. The judge allowed the plea and ordered re-examination of the body.

Constable Manjit Singh was arrested under TADA by the Chandigarh police about a week earlier on suspicion of his links with militants. He was brought to the hospital on the evening of August 16. He reportedly told the doctors that he was severely tortured by the police. The medical report said: "The constable had contusions and abrasions on the right cheek; contusions on the left side of abdomen; the portions from knees to groins were contused, inflamed and swollen; contusions and circular abrasions above the ankles and the patient was gasping for breath; he was probably suffering from embolism which indicate clots in the blood due to injuries to muscles". The police, on the other hand, maintained that the constable had only complained of upset stomach and loose motions.

Nirmal Singh, father of Manjit Singh, however, said that his son was summoned to the Sector 36 police station on August 8 after he had returned home for lunch. On August 9, Nirmal Singh said he was informed about arrest of his son under TADA for harbouring militants. He was not allowed to see his son in police custody. On August 17, the family was informed that the constable's condition was serious and that he had been admitted to the General Hospital.

Mysterious disappearance of ASI

Meanwhile, The Punjab and Haryana High Court ordered an inquiry into mysterious disappearance of dismissed Assistant Sub Inspector (ASI) of Police, Lakhminder Singh, from the high security CRPF controlled Mall Mandi torture camp at Amritsar.

Judge S. S. Rathore refused to believe the police version that Lakhminder Singh, who belonged to CIA staff, Amritsar, was never in police custody. A case was registered against the ASI in the "A" division police station for conniving with a militant in theft of his service rifle along with 50 cartridges on February 13. Three days later, the Majitha district police served summary dismissal order on Lakhminder Singh and his wife Kashmir Kaur, also a constable.

In a writ petition, Kashmir Kaur alleged that the police picked up her husband the day he made a statement to the police about the theft of rifle. Consequently, the High Court directed the district judge of Amritsar to investigate the matter and file a report within three months.

According to information, Lakhminder Singh initially led a private hit squad of the police and was responsible for the killings of several important militants in contrived police encounters. He was enrolled in the police by the then Batala district police chief, Gobind Ram, in 1987 and was used as a private hit man. As a hit man his services were also utilised by a couple of police officials, including the then DIG (Border), Izhar Alam. He was soon promoted. His wife, too, was enrolled as a constable. In view of the danger from militants, Lakhminder Singh was allotted a house in the high security Mall Mandi complex of CRPF. Within three days of his complaint to the police Inspector Sukhwinder Singh that militant Baljit Singh had stolen his service rifle, he was dismissed from service.

Arrested from official residence

According to wife, the police arrested Lakhminder Singh. The police, on one hand, denied having arrested the official. It complained, on the other hand, that he had developed links with certain militants who stayed with him in his official residence. The police stated that Lakhminder Singh was absconding. Interestingly, no case was ever registered against Kashmir Kaur although she, too, was dismissed from service.

In another excess by the security forces, the medical students of Patiala medical college were subjected to cane-charge by the CRPF. No senior officer intervened despite the fact that the medicos were agitating and holding sit-in-strikes against the security forces.

A spokesman of the students action committee informed that a CRPF personnel tried to molest the wife of a mess servant of the senior boys hostel on the late evening of August 14. However, the mess servant and his two colleagues beat up the CRPF man. This infuriated the CRPF, which was posted in the boys' hostel itself and started beating the mess servant with rifle butts. The incident was watched by the students of the hostel who wanted to inform the Hostel Warden and collected near the gate. The CRPF men did not allow the students to go out. When they protested, the CRPF men lathicharged them. Twelve medical students protesting against the molestation bid tried to catch hold of the culprit.

Magistrate sick of police

Ashok Kumar Gupta, an executive magistrate of Chandigarh, alleged that the police of Indian-administered territory was putting a pressure on him to give police remand of Sikh militants without observing prescribed procedure or without giving the accused a hearing.

In a letter to Chandigarh home secretary, Ashok Gupta said that local police did not complete papers in most cases and sought remand without even producing the accused before him. He could not oblige the police. He pleaded that he should be transferred back to police. Gupta was on deputation with the union territory administration as he belonged to the Punjab cadre.

Gupta said that working under these circumstances had been rendered extremely difficult for a magistrate like him and he had been left with no option except to request for being repatriated to Punjab.

Earlier, two other executive magistrates, Jarnail Singh and Narinder Singh Brar, had objected to the manner in which the local police misbehaved with them and had detained them in police lock up to teach them a "lesson" for not obliging the administration in respect of Sikh militants.

In this connection, the administration home secretary ordered an inquiry by the local sub-divisional magistrate, Jagjit Puri, but he could not proceed with the investigations, as no police official turned up for evidence despite repeated notices issued to them. The administration withdrew magisterial powers to the two officers instead of forcing the guilty police officials to co-operate with the inquiry.

This pattern of police dictating terms to judiciary so widespread in Punjab was being followed by the Chandigarh police headed by SSP Sumedh Saini with impunity.

Batala telecom persons tortured

According to R S Cheema, vice-president of Punjab circle of the All India Telecom Union, Batala, six cops entered the exchange forcibly after a policeman in Sadar Station failed to get connected to a number as one telephone board was out of order and was being tested. When one of the two operators contacted the police station through second board and offered help to the police, the latter sent its men to the exchange to teach operators a lesson. The police manhandled two operators, Jasbir Singh and Baldev Singh. Baldev Singh was actually taken away to the police station and tortured the whole night and was released in the morning. The employees said they resorted to the strike only after they failed to get justice from the authorities.

Security persons on petrol duty at Chandigarh on August 21 shot dead Raj Kumar, a Hindu businessman of Karnal in Haryana State, when he failed to stop as he was so signalled. The police said they asked Raj Kumar to stop but he sped away his car. He was then followed and fired at. He was killed. The police later claimed to have recovered a revolver from the car.

According to a report from Rohtak, Urmilla Kumari, widow of Raj Kumar, said that her husband had gone to Chandigarh on Saturday and was on his way back when the police shot him dead. She said her husband was not involved in any crime and that the police had fabricated the story of the encounter and the alleged possession of a revolver by her husband.

The media looks the other way

Although, in this case, the person killed was a Hindu, the Hindu media did not care to investigate the incident. Instead, both the local English dailies, The Tribune and Indian Express played down the murder. The newspapers also played down the widow's claim of innocence of her husband.

In yet another incident that occurred at Faridkot on July 26, an Army Officer, while returning home with his wife and a four-year-old child in a private car, was mercilessly beaten up by policemen and taken into custody illegally. All attempts by the Army man to establish his identity were useless, even intervention by the civilians present was of no avail. This incident took place in the presence of nearly 300 civilians. At one stage one of the policemen even pulled out his loaded pistol and threatened to shoot the officer saying: "We have seen lots of officers like you. You could be a terrorist".

According to Harwant Kaur, the officer was then whisked away in a police vehicle and was subsequently detained in police custody and then taken to the local medical college for a medical examination. Since the doctor had no adverse report on the officer, he was left in the middle of nowhere to fend for himself.

The matter, she said, was brought to the notice of the Governor, the Home and Chief Secretaries and the Director General of Police on July 31, 1991. However, there was no information of any action being initiated against the guilty police officials.

Another death by torture

According to Joginder Kaur, the Ludhiana police picked up her husband Santokh Singh from his village Aalawal on August 16. He was taken to Ladhuwal police post. Head constable Lakha Singh headed the police party. He was brutally tortured at the post by the police during the night. He succumbed to his torture injuries on the evening of August 17. The police informed the next of kin and Santokh Singh died of snakebite.

Hearing the death of Santokh Singh, the people in hundreds gathered in front of the police post on August 18 and sieged the police post and blocked traffic protesting against the killing by police. To defuse the situation SP (city), R P Mittal, informed the people that a case under section 302 IPC (murder) would be registered against the guilty police officials. According to IHRO information, no action has been taken against the officials.

On its own admission, the administration in Punjab said that state terrorism was no solution to the problem. "Summary trial with in-built safe guards may be considered as one of the ways to deal with the situation prevalent in the state, but state terrorism is certainly not the solution of the problem".

This observation was made in a study of the alleged militant crimes in the Ferozepur district. The study was conducted by the Ferozepur district administration. The report pointed out that the state terrorism, in fact had resulted in the alienation of the masses, particularly in the rural areas. In order to check the increasing alienation of the masses, the police action should be planned "selectively" with due regards for the problems and compulsions of the people, the report emphasised. The due process of law, the report added, should not under any circumstances, be done away with (The Tribune, August 27, 1991). However, who cares for these observations or instructions? No one follows these "codes of conduct".

The Takht Jathedar: from pillar to post

"Please tell me where is my son! I hope four daughters, two of them are unmarried. Parvinder is my only son and hope. Parvinder has a son and a daughter besides his wife. For how long will I keep on surviving? he asked Financial Commissioner (Home), A. S. Chatha, with tears running down his eyes.

"I met Mr. P S Kohli, Mr. S L Kapur, Mr. J S Chahal and other officers so many times. No one tells me whether my son is alive or has been killed by the police. Every body writes 'report immediately' on my representations but no one tells me the truth", he added before being consoled by Chatha, who then promised to get news about his son in "a day or two".

Before leaving, he told Chatha that he had been non-controversial and no one had ever raised a finger against him. His son's name had never figured in any police report, reported the Tribune.

"I have served people from every walk of life irrespective of their caste or creed. I am completely shattered now. I do not know where to go", he added before leaving the room with heart-rending cries and sobs.

The man was Chain Singh, who retired last year as Jathedar of Takht Sri Keshgarh Sahib. He frequented the Civil Secretariat in Chandigarh in the fond hope that he could get news about the whereabouts of his 27 year-old son.

The police took his son, Parvinder Singh, a lower division Clerk (LDC) in the Punjab State Electricity Board (PSEB) in custody from his Balachaur office on August 3, 1990. The PSEB authorities sent several reminders to the police for information on the whereabouts of the LDC but to no avail.

Punishment for scooter theft

The old man, who avoided talking to media persons, narrated his tale of woes to the officers he visited. He produced photocopies of letters, both police and PSEB authorities, corroborating his version of the story. These letters, including one by a police functionary of the rank of Station House Officer said that he (the SHO) assisted to police party from Phagwara in taking Parvinder Singh in custody from his office. Letters from the PSEB authorities to the police sought to ascertain the whereabouts of the clerk.

Jathedar Chain Singh did not remember how many times he had met the Adviser (Law and Order), Chief Secretary, Financial Secretary (Home) and Inspector General of Police (Internal Vigilance) during the past one year.

Subsequent investigations revealed that Parvinder Singh was taken in custody in connection with a minor crime probably a scooter theft. The police mentioned that the clerk was not in their custody. Only God knows the fate of the young Sikh clerk.

All these incidents strikingly reveal that judicial or other checks and balances against the security forces are absent or totally ineffective in the so-called largest democracy in the world, contrary to its publicists who maintain that relief against police high-handedness is available in India.

The crackdown on media

The crackdown on the press in the state continued. The state was further encouraged by the fact that certain editors and newspapers' management extended clandestine help to it. Moreover, the Press Council of India and the Punjab and Haryana High Court also supported the state authorities for imposing certain restrictions on the Press.

The State High Court judge Harjit Singh Bedi on behalf of a Division Bench on August 12 held that "the instructions were not issued by the State Government with the motive of muzzling the Press". Sadhu Singh Hamdard Trust through Barjinder Singh, Managing Editor, Ajit, Jalandhar had filed a writ petition challenging certain instructions issued by the Punjab government on February 20, 1991, for confiscating and forfeiting newspapers which contained "objectionable material".

Justice Bedi, dismissing the petition, however, directed the state government to use the power under section 95 of the Cr. P. C with care. The Division Bench comprised Justice G C Mittal and Justice Bedi.

Next day on August 13, the police impounded two taxis carrying editions of the daily "Ajit", the largest circulating Punjabi daily, "Aj Di Awaz" and "Akali Patrika" near Ropar and Malerkotla. According to Barjinder Singh, nearly 20,000 copies of the paper were seized by the authorities despite the fact that all news items concerning some political parties and Akali Dal president S. S. Mann were removed at the instance of the Jalandhar district authorities, visiting the printing press the previous day. He accused the state government of pursuing a

policy aimed at forcing the “press” to become the government spokesman instead of representing Punjab and its people, and maintaining its free entity. “The government seems to be under the illusion that by resorting to pressure tactics on the press and by stopping publication of certain news items, it could bring peace in the trouble-torn state”, he said.

Ajit falls in line

Speaking at “meet-the-press” programme on August 14 at the Chandigarh Press Club, Barjinder Singh accused the state government of imposing censorship through the police and seizure of his newspaper without written orders. He narrated his experiences of midnight telephone calls, adamant and autocratic policemen raiding his newspaper premises and refusing to listen to pleadings.

Barjinder Singh was in the state capital city to share his anguish and helplessness at the manner in which the district administration at Jalandhar and elsewhere raid the newspaper premises forcing deletion of news items, stoppage of machines and seizure of printed copies. He also explored the possibility of taking up the case with higher authorities.

Interestingly, Punjab Governor Surendra Nath next morning directed the state administration to review the system of seizure of newspapers. He issued instructions to all the district headquarters to the same effect. IHRO understands that “some understanding” was reached between Ajit and the Punjab Governor.

Like other conforming editors, Barjinder Singh started suppressing the political views of the underground leadership engaged in the on-going Sikh struggle. He had even gone to the extent of boycotting the views of all those who criticised the policies of the government towards Punjab and Sikhs. Many a time he avoided even publishing human rights reports or articles on the current Sikh affairs.

Protest by journalists

According to IHRO investigations in the recent past, certain management’s and editors were wholeheartedly co-operating with the government in curbing statements by militants in their respective newspapers. These newspapers have been making a lot of noise about the police raids on their establishments but according to some journalists, these raids were manoeuvred so that a message could be sent to militants that the government, not the editors themselves, were suppressing the news and information sent out by militant groups.

The Press Council of India’s report on Punjab and Kashmir also encouraged the government to give more powers to the police to raid non conforming sections of the media such as The Times of India and Aj Di Awaz.

The recent decision of the High Court and the attitude of the new governor as compared to his predecessor General O P Malhotra were enough for the most affected daily, Ajit to fall in line.

Meanwhile, more than 100 journalists at Chandigarh expressed concern about Indian government’s tendency to muzzle the Press in Punjab. Speaking on the occasion, Prof. S. S. Dosanjh, Department of Journalism, PAU, Ludhiana, Prof. Piara Singh Bhogal and journalist Sukhdev Singh (President, IHRO) strongly criticised the Indian government for blatant pressures on all those sections of the media which tried to give a balanced coverage of the Punjab events and in respect of Sikhs. They specifically mentioned the case of Ajit and certain other media groups, which had to suffer heavy financial losses owing to repeated confiscation of the newspapers by the police.

Sukhdev Singh said that the plight of the media could not be viewed in isolation from the situation in which the society found itself. He regretted that vast sections of the media kept silent when Indian State acquired fascist teeth through several enactments. Even later certain sections of the media struck secret deals with the establishment to ditch those seeking to give a fair coverage of the events and mentioned specifically the editors of the two leading Chandigarh newspapers who had adopted an ambiguous stand on the pressures the media faced.

Journalists face threats from police “cats”

Harish Chander, a Hindu journalist based at Morinda in Ropar district, narrated the threats he faced to his life at the hands of police “cats” who visited him at odd hours. The “cats” were seen withdrawing to the local police station after they told about the journalists’ absence from his house. He said the police wanted to eliminate him because he had truthfully reported that most people of Morinda, Kharar and Chamkaur Sahib areas would boycott the aborted May 21 elections.

Sikh Groups oppose repression

Similarly more than 30 Sikh groups met at Anandpur Sahib on August 11 and September 1 to chalk out a common strategy to resist state repression on Sikhs. Three Sikh organisations including Akali Dals not only acknowledged the supremacy of militants but decided to launch a protest movement against Indian oppression of the Sikhs. Representatives of these organisations also went on record that the militants were the leading-most relevant force to hold talks with the Indian government on the future set up for Punjab. Militants were also acknowledged as leaders of the ongoing Sikh political movement. They gave a call for a Punjab-wide strike for September 7, which was a big success.

The militants, however, had their own doubts whether all the organisations represented at the conclave were genuinely interested in fighting against repression or were trying to fish in troubled waters. That is why they first extended limited support but later become cool to the conclave. On the question of contesting elections, two contradictory positions were noticed at the conclave. One section after affirming their confidence in the leadership of militants took the logical step of endorsing their opinion in favour of boycotting elections, another group comprising Amarinder Singh of the Akali Dal (Panthic) and Akali Dal (Longowal) had their own reservations.

IHRO feels that several traditional Akali groups joined the conclave more to ward off dangers-political as well as physical from militants groups than to demonstrate their genuine concern at the state repression. These groups had been isolated from the public after the army attack on the Golden Temple in only viable manifesto on which they could resurrect is the forum of human rights. However, evidently they are still trying to play the old card of talking the language of militancy to reach an understanding to gain political power in the present Constitutional framework. The resolutions passed at the conclave were cleverly drafted. It was stated that militants were the leading force but there was no promise to follow the militant leadership on matters of politics. Instead, the militant were “authorised” to talk to the Centre for devising a solution to the Punjab problem when serious talks were not on Indian government’s agenda.

However, the aim was rehabilitation

In view of this far-from-honest approach on the part of most traditional Akali participants, the IHRO representatives abstained from joining the conclave despite repeated invitations. The subsequent silence of the Akalis on the question of repression and their failure to issue even a symbolic call for protest against the stepped up anti-Sikh offensive by security forces on December 10 (UN Human Rights Day) exposed their true colours. The only exceptions were SGPC Chief G S Tohra and the Babbar Akali Dal.

Meanwhile, the lawyers in the state of Punjab observed strike in protest against the illegal detention of Jagmohan Singh advocate and secretary, Bar Association, Khanna. He was picked up by the police on August 19, 1991 from his residence and clandestinely taken away to Police Station, Khamanon, 25 kms away from Khanna. He was kept there for a week without producing him in any court.

IHRO activist kept in illegal custody

Jagmohan Singh also represented IHRO and Punjab Sikh Lawyers Council (PSLC) in Khanna, the sub divisional town of Ludhiana district. The IHRO and the PSLC strongly condemned the abduction of their activist by the police and urged the Punjab government to either set him free or produce in court. The IHRO also sent telegram to the chief justice of the state high court seeking his intervention in this matter.

According to the Sikh lawyer, he was harassed and humiliated because of his human rights activities and for providing legal aid to Sikh militants engaged in the ongoing struggle for Khalistan. He had earlier been framed in some criminal cases for harbouring and aiding "terrorists" under TADA.

On August 1, 1991, over 10,000 people laid a siege to the Jandiala Guru police station to get the body of a slain militant Manohar Singh Dheera, Lt. General of Khalistan Liberation Force (KLF) led by Gurjant Singh Budhsinghwal. According to police, the KLF activist consumed cyanide when he was condoned by the police and CRPF near Talwandi Malowal village at 4.30 PM on August 1. He died at the spot, they said.

The people were demanding the dead body. They sat on dharna (sit-in) from 7 PM to 9 PM. The police refused to hand-over the body to them. They blocked the road and suspended traffic for over one hour.

At 9 PM, the police and para-military forces cordoned the gathering and indiscriminately started firing allegedly to disperse the unruly mob. The firing resulted in killing one and injuring many. The people were also beaten with rifle butts and cane-charged mercilessly.

A three-member IHRO team investigated the matter. They met the victims and other persons who had participated in the protest sit-in. The team also met sarpanches and panches of the villages around.

According to the team, the police targeted the sarpanches, because they were leading the protest. They included Giani Gurbachan Singh (Gadli), Swinder Singh (Khalahra), Kirpal Singh (Bhangwan) and Manjinder Singh (Devindaspura). Of them, Manjinder Singh was seriously injured by the bullets. He was admitted to the Guru Nanak Hospital, Amritsar. Swinder Singh could not walk due to severe cane-blows.

Police killed a peaceful protester

During the indiscriminate firing by the security forces, one Sardara Singh of Bhangwan village was hit by the bullets in his testicles. He died on the spot.

The injured in the firing included Sarpanch Kirpal Singh, Pappu, Binder Singh, Jawahar Singh and Dharam Singh, all residents of Bhangwan; Giani Gurbachan Singh (Sarpanch), Balwinder Singh, Shamir Singh, Pritam Kaur, Bachan Singh and Amar Singh (ex-Sarpanch) of Gadli village, Piara Singh, Surta Singh, Pritam Singh, Jawahar Singh and his wife, Major Singh, Gian Kaur and Swinder Kaur, all belonging to Dashmesh Nagar (Lolla) village.

The injured who were treated in the hospital included Mohinder Singh, Tarsem Singh, Sarpanch Manjinder Singh, Gurmukh Singh Chahal, Mohinder Singh, Satnam Singh, Piar Kaur, Baldev Singh, Sakattar Singh and Mohinder Singh (barber).

Despite protests by political parties and other groups including Babbar Akali Dal, IHRO, Sant Sipahi Front and Akhand Kirtani Jatha, no action was taken against the guilty including SHO of the Jandiala Guru police station, Swaran Singh. On the other hand, a criminal case was registered against eleven persons including sarpanches, who led the protest sit-in, for allegedly attacking the police station.

What a democracy ! People were not allowed to peacefully protest their grievances. This is what they had to face for claiming the dead body of a Sikh activist.

It was not only the militants who were being killed by the police in its custody but their sympathisers and relations were no exception. Avtar Singh Shatrana's death in custody is a glaring example of this nature.

An Assembly candidate killed in custody

Avtar Singh was the brother of Jarnail Singh Shatrana, Lt. General of the Khalistan Commando Force (Panjwar Group) from Shatrana village in Patiala district. He was also a candidate for Punjab Assembly from the Lehra Gaga constituency. He was picked up by the Patran police

party led by its SHO (Inspector) Sukhwinder Singh from the Patran Road on July 25, 1991 at 10 AM along with his scooter and taken to Patran police station. He was shifted to CIA, Patiala the same day. He was seen in custody among many by Gurnam Singh of Paind village and Ajit Singh, a PRTC Station Conductor, Patran.

The people from about a dozen villages around Shatrana gathered at Patran and protested against the illegal arrest of Avtar Singh, demanding his immediate release. The headmen and mayors of the villages met state and police officials at Chandigarh and Patiala, urging their intervention. In the meantime, the police picked up Avtar Singh's father Kehar Singh from his village on July 31. The Patiala SSP, Satish Kumar Sharma even refused to talk to the deputation regarding Avtar Singh.

Later, the police came out with a story that Avtar Singh was killed in an encounter between a police party led by Patiala CIA Inspector Gurnam Singh and militants close to Avtar Singh near Gurdialpura Bir on August 6. According to the police FIR, CIA Inspector Gurnam Singh arrested Avtar Singh on August 6 in the morning. Avtar Singh on a brief interrogation, disclosed to the police party that some top militants were scheduled to meet him on that day at 10 AM at a specific place. The police party along with Avtar Singh proceeded to that place in a Gypsy jeep. An encounter took place there (near Gurdialpura Bir village) for three hours. Avtar Singh was killed in the cross firing.

However, IHRO investigations into the matter suggested otherwise:.

Avtar Singh was killed in custody. He was in police detention since July 25. At least three persons had seen him in the police custody. Moreover, on August 5, the advisor to the Punjab Governor categorically told a five-member delegation of the Shatrana village council at Chandigarh that he had talked to the concerned police officials. Avtar Singh, he assured, would be released or produced in court, as the case may be, on August 6. All these facts showed that he was killed in custody.

The body bore torture and burn marks

The people in large numbers laid a siege to the Patran police station on August 6 at 2 p m and pressurised the police to hand over the body of Avtar Singh to them. They also asked for the release of Avtar Singh's father. Kehar Singh so that they could cremate the body in time.

The body of Avtar Singh bore torture and burn marks. His left fore arm was broken. The abdomen, feet-soles and other parts of his body were burnt with hot iron. There was no bullet injury on the body.

During the month of August 1991, as many as 224 Sikhs were killed in Punjab alone by the Indian security forces. According to police version, 159 of them were killed in "encounters", 36 in "inter-gang rivalries", 11 died by committing suicide when cordoned by the security forces and 18 were killed in miscellaneous modes.

The Indian State adopted a novel method of concealing the identity of persons killed in "encounters". The murdered Sikhs were declared "unidentified" and disposed off by cremating them under the shadow of guns, thus the next of kin of the victims were kept in dark about the fate of their relatives. During August, the 159 encounter-killings included 60 killed as "unidentified" Sikh militants. Most of them were already in custody of the police. They were murdered in custody and later shown killed in encounters.

Those killed in the alleged encounters included Pipal Singh Dholewal (KLF), Sukhwinder Singh (KCF), Nirmal Singh Lalnanak, Jasbir Singh Dharmsinghwal, Sumer Singh Ranian, Swaran Singh (KNA), Gurtej Singh Bagha (KNA), KCF (Zaffarwal) activists Jaswant Singh Ahluwalia, Surjit Singh Bijli, Paramjit Singh Pappu, Sucha Singh Khajala and Mangal Singh Dhand, Ajmer Singh Babbar, Rajinder Singh (ex-policeman), Manprit Singh, Azad Khalistan Force activists Balbir Singh alias Baba Girja Singh, Shingara Singh, Naik Singh, Piara Singh and Karanjit Singh, Balkar Singh alias Granthi (KLA), Sukhdev Singh Bapu alias Kharag Singh (KLA) and Gurjant Singh Rajasthani (KCF), who was killed on August 31 at Mohali in a chance-encounter.

462 killed in August 1991

Individual and state sponsored groups took 202 lives of innocent civilians and 46 were injured during attacks on their lives. Individual groups responsible for these crimes could not be identified except that, in five cases, they took the responsibility of killing Major Singh, Manga Singh, Raju Sohal, Vir Singh and Nishan Singh, alleging them to be police informers or extortionists. In other cases, it was very difficult to know the real culprit in each case because there were state sponsored secret killing squads who were active in Punjab for eliminating suspected sympathisers of militants.

The state vigilante groups killed at least 36 other Sikh activists including their relations allegedly in inter-gang rivalries. These killings included Babbar Balwinder Singh Jatana's relatives Dwarki Devi (80), Jasmer Kaur (50), Manprit Kaur (15) and Simranjit Singh (5) who were burnt to death in their house at Jatana village (Ropar) by the Chandigarh police "cats" in the wake of the attack on Chandigarh SSP, Sumedh Saini, to avenge the attack.

The police alleged that eleven persons took cyanide when they were allegedly cordoned and had no way to escape. Seven of them were identified as Manohar Singh Dheera (KLF), Swaran Singh, Daljit Singh, Dalbir Singh 'Teetu', Bohar Singh, Piara Singh Aloarkh (KCF), and his wife Bharpur Kaur and Jagjit Singh Jaggi.

The security forces liquidated eight Sikhs by stage-managing fake ambushes, according to IHRO records. They included those who were arrested or produced before the police by respectable persons of the village, to be treated according to law. The police story in each case was almost the same; that the arrested militant was being taken out for the recovery of arms; that militants ambushed the police party, resulting in killing of the militant sitting in the police van. Interestingly, no injury to any police personnel was ever noticed during these attacks. Militants who were killed in "ambushes" were Swaran Singh, Didar Singh, Avtar Singh, Phula Singh, Jatinderpal Singh, Randhir Singh, Balwinder Singh and Avtar Singh.

Asia Watch censured India

Meanwhile, Asia Watch, a US based human rights group, censured both the Congress and non-Congress Governments in India for gross violations of human rights in Punjab.

In its 138-page report on Punjab, Asia Watch said, "Central Government politicians under the Congress (I), the National Front and the Janata Dal (S) administrations have given blanket authority to the police and para-military forces in Punjab to act outside the law."

"As a result, these forces have engaged in gross and systematic human rights abuses in the name of fighting terrorism", it added.

Indian Embassy spokesperson R. Dayakar in Washington objected to what he called "certain arbitrary political conclusion" drawn in the report, particularly its observation about the role of Central Government politicians.

The report also pointed to endemic corruption in the police system and said the force had routinely detained, tortured and killed persons in pursuit of bribery and extortion.

"By failing to prosecute members of its security forces responsible for such abuses or even to acknowledge that such abuses had taken place, the Indian Government had effectively condoned these practices", the report added.

Asia Watch documented 29 extra-judicial executions of Sikhs and identified 45 police officers and security personnel whom eye-witnesses had named as participating in or supervising torture of who were responsible for the detention of persons who were subsequently killed in "encounters" or who had disappeared.

The group, working since 1985 to monitor and promote in Asia the internationally recognised human rights, added that in some cases the police had actually recruited and trained extra-judicial forces to carry out these killings. Detainees had also disappeared in police custody.

The police had defiled court orders and thwarted efforts to locate detainees and produce them in court.

Innocent killings by militants also condemned

Asia Watch also condemned the indiscriminate violence committed by militants against innocent civilians. But it was unsparing in charging the security forces with human rights abuses as part of “a deliberate government policy of repression.”

“The government’s policy of repression has resulted in an escalation of violence and criminalisation of the police forces. The combination has all but negated the possibility for a political settlement”, it added.

Asia Watch’s executive director Sidney Jones pointed out that while the conflict in Punjab constituted an extreme threat to civil order, “the government’s response has been influenced more by political expediency than by a commitment to the rule of law. By failing to address rampant abuses by the security forces, the authorities have encouraged further violence by the militants and criminal gangs”.

According to the report, the legacy of the Punjab crisis has altered the debate on human rights in India, silencing many by portraying the conflict in terms of national security and branding those who would criticise that policy as militant sympathisers. Rather than investigate reports of human rights violations, the report observed, “the authorities attack those who bring charges signalling a tolerance for the abuses and a willingness to accept a different standard of behaviour for those members of the security forces involved in a fight against militancy—even when that behaviour includes murder and torture. This cynicism is deflected in the attitude of senior government officials”.

In this connection, the report quoted the Indian ambassador in Washington, Abid Hussein, as saying: “We are committed to human rights as such. However, where human rights are abused as protection for those who are anarchists who are militants, who do not believe in democracy, we have other solutions. You see, human rights must be used democratically for democratic purposes by people who believe in democratic deeds”.

Observe war-rules says Asia Watch

Asia Watch called upon the Government of India to establish independent commissions of inquiry into all reports of extra-judicial killings, disappearances and torture carried out by the security forces. It also urged militant organisations to abide by the provisions of common article 3 of the Geneva Convention, which prohibits killings or other attacks against persons who take no part in hostilities.

India dishonours Kashmir
A IHRO Watch
September-October 1991
PRESS COUNCIL’S MISCONDUCT IN KASHMIR

There was a big furore in Kashmir on reports that Indian army personnel belonging to the 4th Rajputana Rifles of the 68 Mountain Division entered a settlement at Kunan Poshpora in Kupwara district on the night of February 23-24, 1991 and gangraped a minimum of 23 and a maximum of 100 women of all ages and in all conditions - pregnant, deaf-mute, retarded and elderly. The reports shook all decent citizens who wished in the heart of their hearts that the allegations were untrue.

Slowly the news trickled to the rest of India. A small section of India’s reluctant media came out with details of the allegations. The Indian authorities evidently had prior knowledge, presumably based on its own intelligence sources, about the episode. They feared an adverse international reaction in case of the knowledge spreading. The government authorities encouraged the Press Council of India to somehow save the country’s face on this sensitive matter. The PCI, in turn, drafted B G Verghese and two others- Vikram Rao and Jamna Das Akhtar - to go to perform a patriotic duty. Verghese has a certain standing and credibility

among the public. Akhtar dropped out. The only other member of the team was Vikram Rao, more a leftist trade unionist than a journalist.

PCI on Army's rescue

The PCI came out with a highly one-sided version of the episode. This further enraged the people of Kashmir. There was, of course, no action against the guilty men of the armed forces because of their growing influence in India's politics. Men of conscience within India strongly reacted against the PCI team's report. Thus, Justice Tarkunde and his group of human rights activists issued a statement on the issue to fuel the controversy further. It was under the circumstances that the IHRO sent its two activists - D S Gill and Mohinder Singh Grewal - to visit the place of happening, interview the victims and prepare a report.

The background

The official version was that a totally fabricated account of a normal cordon and search operation was put out as part of a motivated propaganda campaign by the Kashmir militants and their mentors (Pakistan) to discredit the Indian armed forces.

A local human rights group, the People's Basic Rights (Protection) Committee (PBRC) headed by Justice Mufti Bahauddin Farooqi, a retired Chief Justice of Jammu and Kashmir High Court, took immediate cognisance and made an on-the-spot inquiry of the incident.

The PBRC chairperson, Justice Farooqi, in his report states that PBRC members interviewed 53 women who were raped by the army personnel. According to him, the total number of rape victims was nearly 100.

In the first week of March 1991, the District Magistrate (DM), Kupwara (Syed Mohammed Yasin) on the advice of his superior, the Special Commissioner, Baramulla, visited the Kunan Poshpora settlements. He was handed over three whisky bottles as evidence of the liquor the army personnel had drunk. He examined 23 women who said they had been raped. The other victims were not available there at that time. He visited the affected homes and saw the telltale torn and bloodstained garments of the victims.

The confidential report of the DM to the Divisional Commissioner, Kashmir, leaked to the press and the media quoted the DM as having concluded that the armed forces "behaved like violent beasts. A large number of armed personnel entered the houses of the villagers and gang-raped 23 women at gunpoint without any consideration of their age, married, unmarried, pregnancy etc".

The police case (FIR No 10 under Sections 376, 452, 342, Ranbir Penal Code) was registered at the Trehgam police station on March 8. On learning about the registration of the case, the army deputed Brigadier H K Sharma to conduct an inquiry, which he did. A Defence Ministry release later said the Brigadier had examined the alleged rape victims and others and dismissed the charge as "malicious and untrue".

Divisional Commissioner's findings

The Divisional Commissioner himself conducted an inquiry on March 18 and found the number of rape victims' rise from 23 to 40 and then 53 (subsequent press reports put the figure almost at 100). A medical examination of the victims was conducted. According to the report, all women, barring four, were married and almost all of them had "abrasions on their chest and abdomen". In the case of unmarried girls, the hymen was found torn. "As per history, all of them were repeatedly raped and molested" were the medical remarks.

The Kunan Poshpora incident aroused indignation in India and abroad particularly in the human rights community among the western nations. To neutralise the effects, the Government of India pressed into service the Press Council of India (PCI). The PCI team went to Kunan Poshpora on June 11.

"We have dwelt on the Kunan Poshpora incident at considerable length not only because it is the most brutal on women in Kashmir alleged thus far, but because it has received a great deal

of international publicity in the media and through Amnesty International and Asia Watch” said the PCI team.

The team concluded: “The story was not true at all but propagated and retold on video for a “cause”. “Unless far better evidence is forthcoming, the Kunan Poshpora rape story stands totally unproven and false, a dirty trick to frame the army”, the PCI added.

Amiya Rao, a known Delhi based human rights activist, commented on the PCI report saying: “The PCI report amounts to misinformation in every sphere, omissions and twisting of vital facts and painful denigration of the women of Kashmir. It looks as if the report has been written by a member of the armed forces”.

We condemn the PCI report, he said, not only because it is a tissue of half-truths and untruths but also because in its zeal to whitewash the Army, it has humiliated all women.

The Co-ordination Committee on Kashmir, representing 16 organisations, dubbed as highly misleading and one-sided the PCI report, which exonerated the army of all charges in Poshpora, outrage case.

Justice V M Tarkunde accused the Press Council committee of drawing its conclusions on limited investigations. He said its main source of information was government agencies, which could have twisted facts to suit their convenience. He also alleged that the PCI committee simply ignored the existence of the earlier reports of the human rights organisations and refused even to meet or consult any of the known activists who worked on these reports.

The IHRO team visited Kunan Poshpora village on September 17-18. They met dozens of persons including rape victims and recorded their statements. They were accompanied by a local guide, Ghulam Rasul, who also acted as translator.

Ghulam Mohi-ud-din, a Head Teacher in Trehgam school and resident of the village, in his statement on oath before the IHRO team said, “B G Verghese was a biased journalist who along with one K Vikram Rao had come to the village simply to suppress the inhuman sexual assault by the Indian Army on the Muslim women folk. The PCI team stayed in the village for about 15 minutes while they for more than 24 hours with army officials in the Trehgam military camp”.

PCI boycotted by victims

“Most of the victims in protest did not co-operate with the team because the entire village was cordoned off by the BSF and the police. How could Mr Verghese then record the statements of the victims in just 15 minutes? Such a large number of security personnel were deployed there to terrorise the victims”, the teacher described and added:

“After the incident, the village respectables went to the Trehgam army camp to see the Brigadier before noon on February 24, who said: “You must help surrender militants and their arms. If you reported the matter anywhere you shall have to face the consequences”.

Commenting on the PCI report, Justice Mufti Bahauddin Farooqi in his statement at Srinagar said the committee had served their masters in Delhi by acting as a mouthpiece of the Indian armed forces (The full statement is annexed).

Among the victims, Zarifa (23) wife of Sanaullah Magdi was the most affected woman in the village. She was gangraped. After three (or four) days, she delivered a child (boy) with a fractured arm as during the rape she got brutal kicks in her womb. She was not available in the village for her statement as she had returned to her in-laws village, Kandi, near Handwara.

The tale of woes

Jangti, wife of Mohammed Daar and mother of Zarifa told the IHRO team that “She (Zarifa) was pregnant. The army personnel arrived at night (11 PM) and expelled the men from our house. My daughter, pregnant for nine months, and I were hiding in the first floor of the house when some Jawans forcibly entered the door. First, two of them advanced on Zarifa, despite her cry that she was pregnant. I, for a while, tried to protect my daughter but to no avail. Then I

jumped out from the window and saved myself from the onslaught. Zarifa was raped by four Jawans as she informed me later.” Jangti continued the story:

“The army personnel had orders from their officers to spend good time in each bed. They had brought liquor bottles with them. They shut her (Zarifa’s) mouth and continued one after the other. They were four in number”.

Jumma Sheikh (50), a peon in the Revenue Department, said that the army cops raped his daughter-in-law, Muneera (23), wife of Ghulam Muhiuddin and daughter Hafeeza (30). He was also beaten ruthlessly with rifle butts. Muneera said that two men raped her. Makhali, wife of Jumma said her daughter Hafeeza was also raped but she hesitated to give more details. She admitted that her daughter, too, was medically examined.

Lassi (60), widow of Rustam Sheikh, informed the team that the army personnel at gunpoint raped her and Saja (30), wife of her husband’s brother Ahmed Sheikh. “Our front door was broken open, five cops entered the house, took away the male members and then raped both of us”, she said. She disclosed that her thighs were badly contused during the sexual violence by the Indian army “beasts”. “Saja was deaf and dumb, the beasts did not spare her. I was of their mother’s age. I also pleaded that my only son Ghulam Mudiuddin was in the J & K police, but all in vain”, she added.

A male victim, Abdul Ghani Daar, son of Aazmin Daar described his tale of woes in the following words: “I was taken to the Ziarat behind the house of Ali Mohd Daar where they stripped me, my body was trampled upon, electric shocks were given to my sexual organ and chillies inserted in my rectum. I was asked to get surrendered some militants. My reply was that I did not know any of them. I was later taken to Assad Daar’s house where I was hung topsy-turvy and my head was placed in a bucket of water. I was immersed in ice cold water. When I came to my house next morning at 11 a.m. I bore another shock to hear that my mother Sarah, sister Naseema and wife Hafeeza were brutally gangraped by the soldiers. They all were in a bad shape.”

Khaira (35), wife of Sadiq Daar, came forward to record her statement. She said: “They came armed with guns. I shrieked loudly. They (army personnel) shut my mouth with a hand and tore my clothes, which were later handed over to the police. After that, they did everything. My resistance could not repulse them from ravishing”.

Another pregnant victim, Fabba (27), wife of a carpenter Ghulam Mohammed stated that two army personnel came at 11 PM on that fateful night. They broke open the door and started abusing me for not opening the door. They wore guns and were drunken. They first forcibly molested me and tore all my clothes. They then violated everything in the presence of my three children. I was pregnant and was due to deliver in July. They violated my unmarried sister, Pitho, who was then staying with me”.

Yet, another ill-fated woman was Zeba alias Zabi whose two unmarried daughters Nasima (20) and Misha (18) were also raped along with her. Zeba’s husband Jabbar Daar was insane and had left home since long. She narrated her agony saying “no one will like to marry my daughters”. She said: “Army posse came in and took away my younger sons to the interrogation camp in the village. Then, the remaining men outraged the modesty of my two daughters. I, too, was ravished along with my daughters.”

According to Aziz Shah, two army personnel subjected the village revenue collector, his daughter-in-law, Halima, wife of his son Ghulam Rasool in the J & K police, to sexual assault. He, too, was subjected to harassment and torture. He was tied with rope and thrown into a stream of water after interrogation. After that, he was kept out in the cold along with many others.

Similarly, the IHRO team heard Shamala (35) wife of Mohammad Sabir Daar, Sameera (22) daughter-in-law of Abhi Daar, Zoonia (40) wife of Dhad Daar and her daughter Sara (15) who were likewise made victims by the army Jawans of their sexual lust.

Men were taken out first

During the investigation, it was found that all the healthy young persons (14-40 years) were taken into custody and under the pretext of interrogation, were subjected to severe torture. The purpose, it seems, was to provide free hand to the soldiers who were “dealing” with the womenfolk at their homes.

One such victim was Mohd Akbar son of Ghulam Mohd who deposed before the team that he along with his brother Abdul Ghani Daar was taken out for interrogation. Cold water treatment and electric shocks were given to them. “Back home, the army personnel raped my mother and sister who were in one room. My brother’s wife Bakhti was also subjected to sexual assault in another room. I had also stated this the police”, he said.

Similarly, Manzoor Ahmed, son of Ghulam Mohd, who, too was taken to the interrogation centre and given electric shocks, told the team that his 16-year-old cousin and 25-year-old brother’s wife Khatooni were “violated by the beasts” of the Indian army.

Yet another torture victim, Khaliq Daar son of Hassan Daar stated that his wife and two virgin daughters were forcibly made victims of sexual lust by the drunken army personnel. Their clothes were torn which were later given to the police along with two empty bottles of liquor left there by the soldiers.

Conclusions

- (1) The sexual assault collectively by Indian army on the hapless Kashmiri Muslim women belonging to Kunan Poshpora village stands fully proved. There is not an iota of doubt or uncertainty;
- (2) The Indian state is fully behind the wrong-doing as is proved by its failure to hold any credible investigation and to punish the guilty;
- (3) The Indian state encourages as a matter of policy, similar behaviour on the part of security forces in respect of other minority communities elsewhere - Punjab, Assam and other minority regions and communities;
- (4) The Indian state does not hesitate to misuse the credibility of such organisations as the Press Council of India to white wash its black deeds in Kashmir;
- (5) India’s democratic institutions such as the Press Council are willing tools in the hands of the security forces motivated mainly by Hindu fundamentalism under cover of patriotic cries of unity and integrity of the country;
- (6) Men and women from minority communities such as Giani Zail Singh, Buta Singh, R S Sakaria, Harchand Singh Longowal, B G Verghese, Mufti Mohammad Sayed, Surjit Singh Barnala, Jaya Lalitha, Amarinder Singh, etc. are hired to present a camouflaged, “secular” front of the Indian state;
- (7) Notwithstanding this preponderant reality, there are decent men and women in Indian society who are ashamed of the misdeeds of the Indian state, are concerned about Hindu fundamentalism and fascism and stand for human rights and civilised behaviour.

Annexure

A Statement by Justice Mufti Bahauddin Farooqi

Those who respected Press Council of India as an independent and honourable institution will be greatly pained, shocked and disillusioned on going through the contents of the report of its three member committee about human rights violations in Kashmir, Unmindful of its role and responsibility in projecting the facts objectively, the committee has been less than fair to its own credibility and prestige by lending itself to serve as a mouth-piece of the Indian security forces and their masters in Delhi.

With all the journalistic sophistry used by it in molesting the facts, the committee has failed to hide its intellectual chauvinism, aggressive and perverse patriotism, excessive loyalties and "holier than thou" attitude in favour of the repressive and authoritarian agents of India imposed on Kashmir. It is rather sad and amazing that petty and partisan interests should so blind the expected conscience-keepers of the society as to make them wilfully bless human rights violations through state terrorism as "grossly exaggerated and invented" ! Rather than indulging in polemics suggestive of the practice and procedure that the human rights organisations should follow, the committee should more legitimately have bothered to conform to the minimum standard of law, decency and morality while passing sweeping judgements about the authenticity or otherwise of the excesses reported against the Indian security forces.

Take, for example, the alleged outrage of Kunan-Poshpora. The visiting members of the Press Council were expressly told that out-of-hand denials of the incident had been issued at the highest governmental levels in Srinagar and Delhi so as to rule out any fair and impartial inquiry by any subordinate agency including the police who dealt with the pending investigation in a most casual and cavalier manner so much so that the victims had not been referred for medical examination for weeks together notwithstanding the time-honoured requirement and well established practice of getting a victim in any rape case examined medically immediately after registration of the case.

It was also brought to the notice of the said members that, in the beginning, the investigation had been entrusted to just a petty head constable which was changed only when a powerful voice was raised against the manner in which the case had been allowed to be handled by the police. The said members were told that even after the investigation had changed hands, the case had not made any progress which had prompted the Jammu and Kashmir People's Basic Rights (Protection) Committee to file a writ petition in the High Court in the public interest to seek relief against the erring men and officers of the army while also challenging the constitutional validity of Jammu and Kashmir Disturbed Areas Act (1990) and Armed Forces (Jammu and Kashmir) Special Powers Act (1990). Even a copy of the writ petition was provided to the said members and they were expressly informed that the petition had been admitted to hearing by a bench of the Jammu and Kashmir High Court which had directed issue of notices to the respondents. Unless the intention has been to send warning signals to the High Court, not to speak of the police investigation agency, the Press Council should have exercised restraint rather than acting as 'Godfathers' of the security forces until the forces were called upon by the court to explain their conduct in the matter.

The unusual approach adopted by the Press Council is a telltale circumstance, which surely does not enhance its prestige, much less, that of the security forces which the council seeks to defend. On a parity of reasoning, it was highly inappropriate for the Council to touch the matter concerning alleged killings on the border in Chowkibal area of Kupwara district when the matter, as the Press Council should be knowing, is subjudice in a writ petition moved by the Kashmir Bar Association before the Jammu and Kashmir High Court, particularly, when it is a matter of common knowledge that the High Court was pleased to grant interim relief in the matter which has been upheld by the Supreme Court with certain modifications.

Equally inappropriate was it for the council to pass its judgement on the exodus of the Kashmiri Pundits about which the allegations brought before the High Court in a year-old pending writ petition are that Shri Jagmohan, the then Governor, planned the exodus to create a communal divide within and outside the State and even provided transport during curfew hours to facilitate such exodus. The Press Council, as heretofore, should have adopted the attitude of 'wait and see' in the matter until the time would be ripe for it to come to defend Shri Jagmohan and the cause espoused by him. Needless to emphasise here that given a proper trial, the petitioners are bound to vindicate their stand, in all these matters, whatever the perceptions of the Press Council might be. A fair trial is bound to explode the myth floated by the Press Council about their self-manufactured story of 'contradictions' in the Kunan-Poshpora outrage.

It is rather intriguing to note that there is a significant omission in the report of the Press Council about the atrocities perpetrated by the government on the local press in Kashmir to which pointed attention of the visiting members of the council was drawn during their stay in

Kashmir. In this connection, attention of the said members was particularly invited to the latest exercise undertaken by the administration to silence the local press in Kashmir and they were told that reliance on an out-dated and obsolete law enacted by the autocratic regime of Kashmir in 1914 A D amidst the scenario prevailing during World War I to gag the press was totally unjustified in the context of the developments over the decades as a result of which Jammu and Kashmir State had come to be governed by the same Act of press laws as other states in India. It was specifically pleaded before visiting members of the council that the Press Council could prescribe guidelines for the press in Kashmir as it had done in respect of Punjab and that the action taken by the state government was wholly without jurisdiction. The visiting members pleaded ignorance about the latest development and promised to bring the matter to the notice of the Press Council for appropriate action but, though very urgent and important, the matter does not even find a mention in the report, not to speak of recording the impressions of the Press Council about it. It cannot be gainsaid that this matter, more than anything else, fell within the legitimate functions of the Press Council, and therefore, deserved treatment of highest priority but if the Press Council has still chosen to keep it out of the purview of its report, the reasons can better be imagined than described.

Yet another matter which seemed to agitate the mind of the visiting members of the council here, when informed about, but which they have chosen to ignore in their report, is the way the orders of the High Court were being treated by security forces and Indian-imposed administration in Kashmir. The said members were told that the people generally complained that the orders of the High Court did not receive the respect that they deserved from the security forces as also their patrons in the administration. In this connection, it was specifically brought to the notice of the visiting members of the council that, while admitting the writ petition, hereinbefore mentioned, challenging the validity of Disturbed Area Act and Armed Forces (J & K) Special Powers Act, the Jammu and Kashmir High Court had directed that while enforcing these Acts, whenever a person is picked up by the security forces, he shall be immediately handed over to the Police who shall produce him before the Magistrate within 24 hours for appropriate orders. So far, these orders had not been followed in any single case. On the other hand, large number of innocent people continued to be apprehended, tortured and brutalised by the security forces in the most inhuman manner. It was expected that the Press Council would deal with this matter in its report but, as expediency, it has chosen to ignore it.

With the electronic and press media being callous and indifferent and Press Council of India playing a wilfully partisan role, as evident from the contents of their report under reference, it can be anybody's guess whether the gap in the public knowledge about the real happenings in Kashmir can ever be narrowed.

How pitiable for the Press Council of India indeed not to realise that while the security forces are on a on-holds-barred rampage in Kashmir to the utter consternation and concern of all those who care for human rights and values, any attempt made to gloss over the atrocities committed by them is bound to recoil on its own image and credibility, apart from causing irreparable damage to the national interest which it has sought to serve wrongly by coming to the rescue of the security forces and their behind-the-scene operators in Delhi and Srinagar.

(Justice Mufti Bahauddin Farooqi)

People's Commission of Inquiry

Before:

Justice Mufti Bahauddin Farooqi, Chairman,
J & K People's Basic Rights (Protection) Committee,
and

D S Gill, Chairman
International Human Rights Organisation

On September 19, 1991, a joint team comprising Justice Mufti Bahauddin Farooqi (Retd), Chairman, Jammu & Kashmir People's Basic Rights (Protection) Committee, D S Gill,

Chairman and Mohinder Singh Grewal, General Secretary of Punjab Human Rights Organisation and Mufti Showkat Ahmed Farooqi Advocate of Jammu & Kashmir High Court Bar Association left Srinagar in the morning to make an on the spot study of excesses committed by the Indian Army in Aloosa, Ashtengu, Kunis, Malangam, Koil, Muqam Koil, Trakapora, Putshai, Kunangam, Panzigam villages and other neighbouring areas of Bandipore Tehsil in Baramulla district. The team reached the outskirts of Aloosa around noon and was immediately accosted by Army personnel who informed the team that searched operations were still in progress in some villages. However, the team was allowed entry into the areas from where the Army had withdrawn. The visiting team found that the atmosphere in all these areas was surcharged with hate and anger against army operations which had left behind a trail of deaths, injuries, torture, molestation and rape of women and desecration of religious places besides harassment and humiliation.

As a result of preliminary inquiry, the visiting team found that a large chunk of Bandipore Tehsil comprising the aforementioned villages and the surrounding areas consisting of land and water, fields and forests, roads and bridges, more particularly delineated in the plan EX PW 81/I on the record had been cordoned off by the Indian Army on September 12, 1991 as part of "Operation Wullar" on ostensible ground that they wanted to flush out militants but the real object, as the inquiry revealed, was to terrorise the entire population in these areas estimated to be consisting of 20,000 persons. In pursuance of this object, the inhabitants of each village had been herded together at one place irrespective of their age, sex and body condition for several days in succession and some of them, mostly youth, had been picked out at random from the crowd for torture though ostensibly for interrogation. In some villages where people took refuge in the forest to avoid torture, the Army had resorted to indiscriminate firing as a result of which a number of people were suspected to have been killed. Apart from torture and killing of innocent people, the army had also molested women. The visiting team was told that the Army personnel pounced on young and middle aged women and subjected them to forcible sexual assault. The Army personnel had also desecrated religious places, including the shrine of Syed Mohammed Yousuf Kirmain, which had existed in Aloosa village for hundreds of years. The inhabitants of the affected villages voiced a demand in writing calling upon the visiting team to hold a public inquiry into these tragic happenings as "People's Commission of Inquiry." Because of consultation between the members of the visiting team, it fell upon two of us to do the needful. We consented to assume the mission and hold the inquiry as "People's Commission of Inquiry" from October 1, 1991. Accordingly, we issued a public notice on September 23, 1991 and:

- (i) invited the witness including those from the Government side to file written statements or else appear personally to have their statements recorded before the Commission in regard to the excesses committed by the Army during the course of cordon and search operations in the aforementioned villages and their surrounding areas from September 12, 1991 to September 19, 1991;
- (ii) extended open invitation to the State Government to formally associate with the inquiry to help the Commission to arrive at the truth;
- (iii) notified that the Commission would hold its sittings at Aloosa and, if necessary, in other villages too, from October 1, 1991 until completion of the inquiry.

Regrettably, the government chose to stay away from the inquiry despite public notice. However, the people extended their whole-hearted support to the commission to complete the inquiry. Eight persons offered themselves for examination before the commission as annexed (herein after called People's witnesses - P Ws).

After the conclusion of the inquiry, the commission called a Press Conference at Srinagar and issued the following statement giving summary of its findings and declaring that the detained report shall follow in due course:

"The People's Commission of Inquiry, consisting of Justice Mufti Bahauddin Farooqi, Chairman, J & K People's Basic Rights (Protection) Committee and D S Gill, Chairman, Punjab Human Rights Organisation, conducted the promised public inquiry into the excesses

allegedly committed by the Indian Army in the course of cordon and search operations (September 12-19, 1991) in Aloosa and its neighbouring villages in Bandipore Tehsil of the Baramulla district, reportedly termed as "Operation Wullar" by the Army.

The joint commission of the IHRO and the J & K PBRC held its sittings in Aloosa and other affected villages from October 1 for four days and recorded the depositions of 88 witnesses. Several documents including relevant FIRs too were produced before the two-member commission.

The evidence available with the commission showed that the "Operation Wullar" turned out to be an exercise resulting in deaths and destruction of properties, torture, molestation and rape, desecration and defiling of holy places, insult to the dead, and harassment and humiliation of the old.

The evidence revealed that the Indian armed forces held in siege for eight days a large chunk of population of over 20,000 inhabiting more than a dozen villages extending over an area of about 26 Sq. Kms of the Bandipore Tehsil overlooking the Wullar Lake. In the process, the armed forces took 15 lives including four, who were tortured to death, and 304 persons were rendered physically impaired because of severe torture during interrogation. Over two dozen women were allegedly raped by the Army. Of them, nine appeared before the commission and affirmed the allegation. The number of those who were subjected to molestation by biting their cheeks and pulling their breasts, was large. One of the rape victims suffered miscarriage due to sexual assault and gang rape by the army men.

What was more deplorable was the digging of the graveyards. A number of graves were dug out resulting in the exposure of dead bodies, and, in one case, the grave of woman was dug out twice at Malangam village, despite protests by the villagers, and even her shroud was removed without the slightest regard for decency, morality and civilised behaviour.

The army desecrated the holy mosques and shrines to injure the religious feelings of the Muslims. Even the aged persons were humiliated and harassed for their inability to prevent the youth from participating in the on-going freedom struggle.

In addition, what was rather unusual, the army used Kashmiri Pundits as "Black Cats" to identify and torture the potential dissenters, irrespective of their age and body condition. The humiliation, harassment and terror by the army caused two persons to die due to heart attack.

The commission concluded that the "Operation Wullar" was nothing but an 'operation repression' aimed at crushing the spirit of the people of Kashmir. The Commission would publish its detailed report in due course of time.

To add insult to the injury, the local police, being either inefficient or under pressure from the above, did not act in the matter beyond registering a case and that too, on a resignedly cryptic report from the Numbardar of the Aloosa village. The police have examined neither the aggrieved persons nor the eyewitnesses. Even the effected women have not been referred for medical examination for no reason other than to destroy the evidence.

On its way back from Bandipore, the commission was distressed to note that the army in Palhalan and its neighbouring villages conducted a similar operation on September 28 last. Because of the preliminary inquiry, the commission came to know that, in the course of interrogation, one person namely Mohd Latif Mir son of Abdul Gaffar Mir was tortured to death and other five persons were brutally tortured. Two of them, Manzoor Ahmed and Ghulam Nabi Khanday, whom the commission met in the SMHS Hospital, Srinagar were in a pathetic condition. A rod was inserted in the anus of Manzoor Ahmed, which perforated his large intestine. He was operated upon. Ghulam Nabi lies also operated upon for a severe haemotoma in his left posterior thigh.

The commission has called upon the right thinking people and the international public opinion to rise to the occasion and raise their voice to put an end to the on-going barbarity by the army in Kashmir.

The commission is obliged to its Secretaries MIS Dhillon and Mian Mohd Afzal for their valuable assistance. The commission also wishes to place on record its appreciation for the co-operation and assistance rendered by the villagers, particularly the advocates Malik Mushtaq Ahmed, Riyaz Ahmed, Amin Bhat and Abdul Majid Bhat, President of the Bandipore Bar Association, without whose help the commission could not have completed the inquiry as expeditiously as it did.”

We now proceed to give a detailed report.

On behalf of the aggrieved villagers it was contended before us that ‘Operation Wullar’ was a part of a bigger plan called ‘Operation Vikram’ which had been prepared by the Indian Army in collaboration with the Government of India for mass repression and terrorisation to suppress the on-going movement for self-determination in Kashmir. It was further contended that the events, which have taken place during the execution of the ‘Operation Wullar’ amply, demonstrate that the officers and Jawans of the Indian Army poured wrath on the villagers, everyone, irrespective of their age, sex or station in life. They did not even have any consideration for tiny-tots, kids, women or aged and ailing persons, They could not even find it possible to show respect for the dead. The entire people were held prisoners for eight days and subjected to every conceivable form of harassment, humiliation and torture. The search operations, as ‘Operation Wullar’ was called, really turned to be an exercise in killings, rapes, torture, loot and damage of property, digging up of graves, desecration of religious places, and other forms of harassment and humiliation. Could all this be done during search operations under law, the villagers asked. To be more precise, the villagers filed a written statement through Gulam Hassan Bhat, PW 81 giving a broad account of the events during the crackdown.

Therein, it has been said :

“Nestled in the foot-hills of the mountain range overlooking the Wullar lake, the villagers in their deep slumber on the night intervening September 11 and 12, did not know that the Army had laid a human siege around various villages in the north and north-western side of the lake nor even that, days before, they had also occupied the hill-tops between Sonawari and Gurez, Gurez and Nagmarg and Kupwara as part of an outrageous operation which the coming generation shall always remember with a sense of hate and anger.

The army commenced the operation by opening fire with mortar guns and machine guns in the early hours of September 12 which shook up unwary villagers from their deep slumber and caused them to run for life helter-skelter with most of them, young and old, preferring to seek refuge in the nearby jungles, least knowing that the Army had already thrown a ring round those jungles. That is why, a large number of innocent civilians got killed and, on the last count, their number, even according to the police records, had gone unto 15, not to speak of the slain persons whose bodies were either removed by the Army or remained untracked in the thick of the jungles.”

Referring specifically to the events in Aloosa village as a sample of mood and behaviour of the officers and Jawans (personnel) of the Indian Army, it has been said in the said written statement:

“To start with the Army personnel opened fire on the Sopore Bandipore road in the southern side of Aloosa village and then gradually moved towards the village while also firing shots indiscriminately, Several companies of Dogra Regiment entered the village around 6:15 am with fury and frenzy showering abuses and dandas (clubs) on whosoever came their way and ordered the villagers to come out of their houses with hands up and herded them together in two separate groups of males and females on the banks of a canal called “Zaingir Canal” under the scorching sun without even showing any mercy for small kids or old and infirm persons. Thereupon, the army Jawans set themselves upon the males and beat them, everyone, mercilessly and unhesitatingly and used filthy language in order to extract from them information about the militants, their hid-outs and places of hidden ammunition. The Army personnel even threatened the villagers with death if they failed or refused to part with such information. However, there was no positive response. Everyone pleaded ignorance while his patience and endurance was being subjected to the severest stress because of continuous torture. The barbarity let loose by the Army personnel does not have any parallel in history. They did not even allow the dead body of a slain young man named Nisar Ahmad Khan son of Mohammad

Afzal Khan resident of Kalusa to be removed for burial from the nearby stream where it lay unattended since morning. He had come to see his sister on the previous night and had perhaps gone in the morning to have a wash on the stream where he lay dead holding the shirt in his hand after having fallen victim to the bullets of the Army. His blood had been mixed up the water and the villagers were forced to drink the same during the period of their captivity by the Army. They were allowed to go home only at 5 PM but, immediately after, curfew was imposed and nobody was permitted to move out from his house in the village.

On the following day Friday, September 13, an announcement was made through the public address system that all the inhabitants of the village should get back to the vacant places at which they had assembled on the previous day. There, they were paraded before the black cats. Most of the persons in the age group of 10-40 years were picked up and removed to the nearby house of Ghulam Hassan Mir for torture though a pathetic scene of human misery. The Indian Army used third degree methods during interrogation, which unwittingly served to remind of the Nuremberg trials. Some of the gruesome methods of torture used by the Army are as below:

- a) give electric shocks on the genitals;
- b) put iron rollers on the legs and arms;
- c) dip the head including the face in water mixed with red-chilly powder;
- d) push wet cloth into the mouth and nostrils to induce suffocation;
- e) remove the skin with the help of blade;
- f) beat every part of the body with dandas (clubs) and sticks;
- g) drive nails into the feet.

Out of those in captivity who survived the trauma, some were let off in a critical condition same day in the evening while others were taken along by the Army. The villagers were kept whole day in the open under scorching sun and nobody was allowed to eat or quench his thirst. The Army personnel did not even permit to offer Friday prayers, not to speak of usual prayers. They led blood-hounds inside the Jamia Masjid (Grand Mosque) and its neighbouring shrine and even demolished the outer walls and broke to pieces the windows and doors of the inner chamber of the shrine.

The mood and behaviour of the officers and Jawans of the Army can be judged from the fact that a respectable person, namely Mohammad Yousaf, Medical Assistant was beaten mercilessly and asked to sip waste water simply because he ventured to bring it to their notice that some Jawans (army personnel) were committing excesses with the women. Unable to bear the sight of the physical and mental agony meted out to Mohammad Yousuf, some old and respected persons intervened and pleaded for mercy on his behalf only to be told by an Army Jawan that their religion did not permit them to show any consideration towards a Muslim. In short, Indian Army acted in a manner that should make every Indian to hang his head down in shame. The oppressed villagers were to let go home only at 7 PM but, at the same time, curfew was imposed as on the previous night to restrict movement in the village.

On the third day (September 14), the story of the previous two days was repeated. Apart from that, some select ladies were required to accompany the Army Jawans to their houses on the ostensible ground that they needed them to help the search operations but later in the evening it was discovered that they had been subjected to sexual assaults by Army Jawans inside their houses which was the real object behind the requisition.

In the name of crackdown, the officers and Jawans of the Indian Army continued the repression until the morning of September 18, 1991. During this period, it was not possible for anyone to move from one village to another village nor even from one house to another house in the same village. However, after the Army withdrew, everyone was able to communicate with others and relate his terrible experiences during the crackdown. We have tried to arrange the information very briefly in the form of various statements and we submit the same as below:

1. Statement showing list of women raped.
2. Statement showing list of persons killed.
3. Statement showing list of persons injured during interrogation.

4. Statement showing damages caused to houses.
5. Statement showing looted property with the names of the sufferers.
6. Statement showing list of religious places desecrated.
7. Statement showing the household articles damaged.
8. Statement showing the list of interrogation centres.
9. Statement showing list of arrested persons whose whereabouts are not known.

(Note: Statements excluding No 7 were submitted before us and have been marked as EX PW 8 A to H)

Before us, it was stated by Ghulam Hassan Bhat, PW 81 that he lodged a detailed report of the occurrence at Police Station, Bandipore but the Police just ignored it. He even produced a copy thereof before us and the same has been marked as EX PW 81/J. The report contains grave allegations of misbehaviour against the Army and that is why Bandipore Police was perhaps advised to ignore it. To avoid any misunderstanding, the Police has, however, registered a case, being FIR 129 of 1991 under sections 302, 354, 427 and 480 Ranbir Penal Code (RPC) against the Army, which purports to be based on a cryptic oral statement of Namdar Jan, PW 82. He is no other persons than village Headman who is ordinarily expected to act hand in glove with the local administration but even he could not help complain that his brother, Shakil Ahmad Jan, a medico under training, had been killed by the Army as a result of torture on the very day he was supposed to leave for Patna to rejoin the course after holidays. In the course of the enquiry, several witnesses, including Namdar Jan, stated before us that even after registering the case, the Police had neither cared to examine the witnesses nor even referred the victims of torture and sexual assaults for medical examination. In order to get clarification on this aspect and other aspects of the enquiry, written requests were made to SHO, Bandipore to appear before us along with the relevant records but he chose to stay away and did not even acknowledge the communications issued by our office in this behalf. On behalf of the villagers, it was vehemently contended and we think, rightly so, that the delay in the investigation, though it might be under pressure from above, was simply to destroy the evidence. However, based on the enquiry conducted by us, we have found that the excesses committed by the Army are of diverse character and we propose to deal with the same under various heads as below:

Rape and molestation of Women

In accordance with the list EX PW 81/A, produced by Ghulam Hassan Bhat, PW 81, 37 ladies were allegedly raped by the Army personnel during the course of crackdown but not all of them came forward to depose before the commission as some of them had already abandoned their places of abode and some others feared further humiliation in the society. Only a few women took courage to narrate their tragic experience before the commission. Of them, first comes Zaina (25), PW 10. She belongs to Aloosa village. She says:

“During the third day of the crackdown on Saturday, the Army Jawans took me (from the gathering) to my house on the pretext that they had to conduct search there. As soon as we reached there, I delivered the keys to them and asked them to go inside and make the search. They did not agree to this and insisted that I should also be with them. Two Army men got into the house along with me and there they threw me down and raped me. I became unconscious and, 2/3 hours when I regained consciousness, I rushed to the house of Ghulam Hassan Bhat and stayed there for 4 days.”

Next comes Shama (20), PW 11. She too belongs to Aloosa village. She says:

“On Saturday, the third day of the crackdown, men and women move out of their houses and stayed in the open in separated groups as per orders of the Army. The keys of our house were with me. The Army men asked me to get along with them to the house to enable them to conduct the search. Two Army Jawans went inside the house with me. There they molested and ravished me. They also bit my cheeks so badly that the marks of tooth bites are still visible on my face. I reported the incident to the Press people as well when they visited the village. Police has neither made any investigation nor even cared to record my statement in the matter.”

Then comes Marya Begum (21), PW 15. She belongs to Ketsan village. Says she:

“On Saturday, I was present in my house along with my husband and four children, the eldest child being seven years old. About 12 noon or 1 PM, a military contingent of 10/12 persons came to our house. Four of them moved inside while the rest guarded the house from outside. My husband was sleeping in the house. One of the Jawans caught hold of me, pulled my breasts, threw me down, and set himself upon me. My children raised outcry. I became unconscious and could not perceive what happened afterwards. I remained unconscious for about three hours and on regaining consciousness I found that I was holding my trousers at the knee joints but my clothes had been torn off. I came to know that my husband had been taken away by the military. He was subsequently let off during night (after torture) and is still ill and bed-ridden. The Army had searched the house and even the boxes lying there but nothing objectionable was found by them.”

That takes us to the statement of Arsha Bibi (25) PW 16. She belongs to Chachinar Binlipora village. She states:

“On Sunday, I was present in my house. My husband too was there. Three days before, I had delivered a male child. Around 3 PM, 10/15 Army personnel entered our house. I was holding the newly born baby in my lap. The military Jawans caught hold of me and then dragged me. The baby slipped and fell dead on the ground. They instantaneously arrested my husband and removed him from the house. I was dragged on the ground and fell unconscious. Thereafter I could not perceive what was done with me. However, at mid-night, when I regained consciousness I was bleeding. My home people covered my body with some clothes. Due to poverty, I could not afford to get medical treatment. Still I am weak and cannot perform routine duties due to profuse bleeding.”

The witness has also said:

“Next morning, I came to know that the military people had tortured my husband to death and thrown his body a little distance away from the house. The body was lifted by the villagers and buried in common graveyard of the village. There were marks of lathi-blows on the body and the elbows were injured. Blood trickled out from both the ears. His forehead bore bullet injury but I do not know whether the injury was ante-mortem or post-mortem. The entire property left behind by my husband consists of a small parcel of land measuring three Kanals. Both I and my children are in a destitute condition and have to look for support from my eighty year old father-in-law.”

Next comes Dani (45), PW, 17. She belongs to Chachinar village. She describes what happened with her and her relations:

“My house is situated on the foot-hill. During the recent crackdown, 10/15 Army men came to my house. I was present in the house with my daughter, Zoonaa and daughter-in-law, Zulekha, ageing 20 and 21 years respectively. Zoonaa is married. That day she had come to see us. My two sons Abdul Rashid and Balwa too were present in the house. Immediately after entering the house, the military people took them away and their whereabouts are not known till today. Taking undue advantage of our helplessness, the military Jawans raped my daughter and daughter-in-law in my presence. I felt completely stupefied and could not keep count of the military men who raped them. The victims were not let cry at gunpoint. Even when I started crying, they asked me to stop it and threatened to shoot me if I did not do so. They remained in my house for an hour or two. My daughter has gone back to her in-laws' house and the daughter-in-law has gone to her parents' house. Both of them are scared of coming back to my village. Zoonaa's husband's name is Mohammad Shafi. He belongs to Malangam. Zulekha's husband's name is Abdul Rashid who is my son. We have not lodged any complaint with the local police because Police does not listen to such complaints in Kashmir.”

Then comes Roshni Alias Arshi (30), PW 19. Dealing with the point, she says:

“On Thursday, crackdown started in our village and the same was cordoned off by the Army continuously for six days. On Monday, Army Jawans came to our house at about 8 PM and arrested my stepson Qamar Din (20). He was taken to the nearby mosque where interrogation was going on... Two Jawans stayed back. Both of them were armed. They forcibly committed sexual intercourse with me. When I put up resistance, they gave me butt blows on my arm and shoulder. My arm is still aching. For three days, Glucose drip was given to me by a para-medico that was summoned from Aloosa. Tehsildar sahib came to our village. I narrated the entire story to him. He said that he was helpless and could do nothing in the matter. I am still not able to walk properly.”

That brings us to the statement of Baggi (45) PW 20. She belongs to Chachinar village. She says:

“I am a widow. I have a small kid of 9 years. On Friday at about 8:00 AM, a Sikh officer came to my house who did nothing except having a look here and there. Next day at mealtime, 12 Army Jawans came, of whom two Jawans got inside the house and pulled my cheeks and breasts. I screamed, thereupon they dragged me into the Bali outside (place for storing grass and wood). It was empty and screened from public gaze by the maize crop grown in the fields around it. The two Jawans raped there one after the other. Police or Press reporters did not visit our village nor otherwise recorded my statement. My husband died about 7 years ago.”

Next comes the statement of Bibi Fatima (28), PW 21 of village Chachinar. She states:

“On Thursday, during crackdown some Jawans of the Sikh Regiment came to our village. They searched the houses and discovered nothing objectionable and went back without causing any harassment or humiliation. Next day, Jawans of the Dogra Regiment cordoned off our village and asked everybody to come out. I did not move out. Then they asked me to open the big wooden box. I told them that it was no use opening it as it contained paddy only. The box was locked. They said that it has terrorists and I should open it. I told them that if they could find terrorists in it, they should shoot me down else hand over the gun to me and grant me the liberty to shoot them. they felt enraged. Two of them pounced on me, threw me down on the ground, and then raped me. My husband had gone to Bandipore to get medicine for the child... My husband came back after the crackdown was lifted. I was in a bad shape due to bleeding. He immediately raised a loan of Rs 500/- and arranged for my treatment. He sent for a doctor who referred me for treatment to Lady Doctor, Baramula I am still under her treatment. On the day of occurrence, I was pregnant for five months and since the Army Jawans forcibly committed sexual intercourse with me, I suffered miscarriage, Profuse bleeding occurred. Still I have not fully recovered though the treatment continues. Here (in Kashmir) none is prepared to redress our grievances.”

Lastly comes the evidence of Bibi Jan (45) widow of Lala Shah resident of Ketsan PW 25. She says:

“During the crackdown, the Jawans entered our house; caught hold of me and asked me to hand over the arms. I said that we do not have any arms. They felt enraged and not only beat me but also committed sexual assault on me. They even took away my two sons Alam Shah (26) and Gulab Shah (20) and subjected them to torture at the interrogation centre set up by them.”

Piecing together the evidence given above it is clear that the Army personnel during the crackdown raped ten women (inadvertently mentioned as nine in press statement). For facility of reference, we are appending the list of victims of rape along with their full particulars as Annexure “A” hereto.

Coming to the allegation about molestation of women, we have before us the instances of Zoonia (22), PW 4. Mumtaza (19), PW 5, Mehtaba (60), PW-23 and Amina (22), PW 46, to illustrate the indignity and disgrace to which the women, by and large, were subjected by the Army during the course of the crackdown. Zoonia, PW 4 was molested by two Army Jawans by pulling her breasts while conducting search of their house, Mumtaza, PW 5 and her mother, Saja, and her younger sister, Afrooz were molested in the course of a similar operation by four Army Jawans. They pulled their hair and vainly tried to untie the trousers of Mumtaza. She

was able to resist the attempt, free herself and get away. Mehtaba, PW 23 too was molested in similar circumstances by four Army Jawans who pulled her cheeks and breasts without having any regard for her age, as she puts it. Amina, PW 46 was taken out of her house, manhandled, and molested openly. Her clothes were torn. She was held captive from 10 am to 4 PM, and surrounded by Army people who either pulled her cheeks or pressed her breasts to derive some fun out of her misery. That is not the entire evidence on record about molestation. There are the depositions of other witnesses as well. Of them, the deposition of Ghulam Mohammad Mir, PW 85 is important. He is a village headman and, that away, he is a part of local administration. He has inter-alia said:

“The Army people dishonoured the women. They made a fun of them and even pulled their cheeks and breasts.”

Torture and Torture-Killings

In the course of our enquiry, scores of people were paraded before us carrying in their bodies, as the villagers put it, the mute testimony of the savagery of the officers and men of the Indian Army. They had sustained injuries on thighs, buttocks, shoulder blades, hands, feet, legs and some vital organs of their bodies due to the brutal treatment given to them during the course of interrogation. The impression that we gained on seeing the victims was that their tormentors had forgotten the basic human values and inflicted pain and misery on innocent villagers. The Army as the evidence produced before us has revealed, using third degree methods, claimed the lives of five young and innocent persons, including Shakil Ahmad Jan of Aloosa, a promising medico under training at Patna and left 318 persons (inadvertently mentioned 304 persons in the Press Statement) crippled, maimed or otherwise injured. It was extremely painful to note that, unable to bear the shock, the sister of Shakil Ahmad Jan had lost her psychic balance. The list of casualties due to torture is appended as Annexure “B” hereto. For more details, we shall briefly refer to the evidence of some witnesses who have providentially survived the trauma to tell heart-rending tales of torture and pain inflicted by the Army on innocent villagers.

Ghulam Nabi Dar (26), PW 1 is working as a Mechanic in the Horticulture and Marketing Society Sopore. He was picked up while he was on his way to Sopore, as usual, to report for duty. He was let off after severe interrogation and torture in Dak Bungalow, Watlab. He says:

“During interrogation, I was given six electric shocks on my buttocks. An iron needle too was inserted in my male organ (penis)... I cannot bear my body weight on my thighs because a roller was rolled over them and the result is that I cannot move freely.”

Showkat Saleem Shah (20), PW 2 is the 11th class student. On Friday, September 14, 1991, he was picked up by the Army during the course of crackdown and immediately removed to the temporary interrogation centre in the nearby house of Ghulam Hassan, Mir. He was punished for being an uninvolved and non-violent youth. Giving an account of the torture to which he was subjected during interrogation. the witness says:

“First of all I was beaten with wooden sticks. Then, a dry towel was inserted into my mouth and pressed unto the throat. This process was repeated nearly ten times. Thereafter, the chilly powder was sprayed into my mouth, ears, nostrils, eyes and also inserted into the anus. They asked me to produce the gun while I had none and told them so.”

Having found that all this had not worked, the interrogators tried more severe methods. Dwelling on the same, the witness adds:

“They gave me electric shocks starting from foot fingers and proceeding to all other parts of the body including the private parts. In the evening, I was taken blind-folded to an undisclosed place and I was subjected to torture continuously for six days in the same way as on the first day, of course, with the addition that dry sand was put into my mouth. My mouth and nostrils were plugged with the result that I bled from the ears and the nose. On the sixth day, a Sikh officer declared me innocent and ordered my release. I was released the very same day the Commission visited our village first time for preliminary investigation. That they, the members of the Commission had a look at the wounds which were still fresh.”

Noor Jahan (30), PW 6 is the widow of Najam-ud-Din, who died because of torture during interrogation. She describes her tale of woe:

“On Thursday around 8 am, the Army personnel belonging to the Dogra Regiment took away my husband who worked as a carpenter. I too was beaten up and molested. The children started weeping and wailing as a result which the Army Jawans spared me and left the house. Seven days after his arrest, the people delivered the dead body of Najam-ud-din at our house. The body was in bad shape. However, I was able to identify it. The hair of the deceased had been pulled out from his head and beard because of which the skin had peeled off. A mark resembling the mark of a bullet was visible on the right upper side of his chest. The dead body was buried on the graveyard near our house. The deceased had 2.5 Kanals of land only. His mainstay was carpentry. His death has rendered us destitute. My children are on the verge of starvation. For the last several days we had nothing to eat.”

Mohammad Yousuf Shah (70) PW 7 is the Tehsil President of National Conference, a known pro-India political party. Even he was not spared despite his old age and loyalty to India. He was punished only because the Indian Army could not believe that India could have any loyalist among the Kashmiri Muslims. His woeful tale evokes the memory of the folk tale about the wolf and the lamb.

During the crackdown, he was in Binlipora. Says he:

“I was removed to the house of Feroz-ud-Din Khan in Binlipora where the Army had set up a temporary interrogation Centre. There I was asked to state whether I was the Tehsil President of National Conference. I replied in the affirmative. Then how is it that the boys go across the border and get arms? I was asked. I said that I could be hardly effective when even the parents had failed. Then they took out a list of alleged militants and read out the same to me and desired to know if I knew them. I said that I knew only a few of them. They then asked how much financial aid I had provided and how many times I had served meals to them. I said that I had neither given any financial aid nor served meals to them nor even they had ever come to me. How could they come to me when they think I am an informer? I asked. They had circulated a pamphlet that my son is an informer. The Army people did not accept my explanation. They showed me a photograph, which they had already seized, from my house during the course of search operation. That was a group photograph of Area President of National Conference, Namdar Jan of Aloosa, Noor Ahmad Khan, village President, National Conference, Binlipora and me. They said that I had kept this photograph for being sent to Pakistan I was surrounded by a Major and 12 Jawans. They tied me with ropes and then started beating me with wooden rods and gave me electric shocks for nearly fifteen minutes. They also gave me two salt cubes to be chewed by me. In this process, an officer came there. He got me untied and then started questioning me. He asked me if I know Showkat Saleem Malik who, as he put it, reportedly lived in my neighbourhood and was related to me. He also desired to know why this boy had gone for training across the border I said, ‘His father had spent nearly three lakhs on his marriage and yet he divorced his wife on the seventh day only because he wanted to proceed for training. He even refused to listen to his father who has, therefore, deprived him of his property. How then could I do anything to hold him back?’ There after, he asked me if the boy had been visiting his father’s house quite often, as they were told. I said that this was not true. On hearing this he got annoyed and beat mercilessly with wooden sticks. I was confined till 6 PM in the room.”

Basir Ahmad Ahangar (18), PW 9 is a blacksmith Like PW 2 he too was punished for being a non-violent youth. Says he:

“I was taken to the house of Ghulam Hassan Mir where the Army had set up a make-shift interrogation centre. I was interrogated from 9 am till 7 PM. I was asked to state where I had kept my gun when actually I had none and told them so. Eight Army Jawans were around me. On denial, they tore my clothes and threw me down on the ground. Two Army Jawans sat on my stretched arms and two others on my legs. Then my body was turned facing towards the ground. Two Jawans sat on my back. Two others brought a wooden rod and water mixed with chilly powder. They dipped the rod in the chilly water and thrust it into my rectum. And repeatedly asked “Where is the gun ?” I said I do not have any gun; I am devoted to my profession alone. They did not feel satisfied and gave me electric shocks on my penis and

tongue simultaneously. Amongst the Jawans two Kashmiri speaking people told me in Kashmiri that they were taking revenge for what the Kashmiri pundits had to face here and that we should be prepared for the worst. In the evening I was put in the Army vehicle and taken to Pattan. There one Army held my hand and another personnel held my elbow, the third struck a blow on the intervening part of my arm, which resulted in a fracture. That accounts for the fracture in my left arm. I was in Pattan for one night. Next day I was taken to Kupwara blindfolded. I was interrogated there for two days. At Kupwara, an electric stove was kept alive and I was made to pass the stream of the urine through it to allow the electric current to pass through the body. After two days, I was brought to Watlab Camp. There, salt powder was put into my mouth and chilly powder was sprayed in the eyes. I was kept there for the night and again asked about the gun and I had the same answer that I had none and worked as a blacksmith. Next day, Tuesday, I was brought to Aloosa road and set free.”

The witness also said:

“I had to raise a loan of Rs 500/- to defray the expenses of medical treatment viz. plastering etc. Since my arm is still under plaster. I cannot do any work.”

(Note: The left arm of the witness was still under plaster when the Commission recorded his statement).

Alam-ud-Din (38), PW 14 is a petty farmer. He was punished because he could not supply young girls to the Army as required by them. On the morning of September 16, 1991, some members of the Dogra Regiment came to his house and asked him to provide two young girls for them. He expressed inability to do so saying that he was a Muslim and his religion did not permit it. Thereupon, says the witness:

“I was taken to Nallah Regnar. There I was given three or four lathi blows and asked, ‘Will you not bring the girls as required.’ I said again I could not do so, Enraged, they tied me with a rope and carried me to the house of Mian Ismail of Ketsan and hanged me upside down from a beam and then gave me blows with sticks. They pouched me like the corn. There were five Jawans in that room. I fell down unconscious. My hands, feet, legs, arms and waist-back still bear the marks of injuries. I was carried to my village by some village mates. After I regained consciousness, I came to know that the Army Jawans had raped my wife. She narrated the story herself to me. Ten Jawans who had stayed back had raped her inside the house. She is currently not able to walk and cannot even move properly. She was beaten with rifle butts when she had tried to resist. I was moved to Bandipore Hospital on September 18, 1991 where I remained under treatment for five days. Though discharged from the hospital, I continue to be under treatment. Even now, I cannot move freely. SHO did see me in the hospital but even he did not care to record my statement.”

Arshu Bibi (25), PW 16 has suffered triple tragedy. She was assaulted by the Army Jawans and then raped. Because of the assault, her baby slipped from her lap and fell dead. Her husband, Raju was arrested and subsequently tortured to death. Giving an account of the circumstances under which her husband was killed, she says:

“On Sunday I was present at my house with my husband. Army Jawans numbering 10-15 came to our house... They arrested my husband. Next morning I came to know that the Army had tortured my husband to death and thrown his body at a distance of one Jarib (100 feet) from the house. There were torture marks on the elbows and contusions of stick blows on the body. Both the ears were bleeding. There was a mark of bullet injury on the forehead but it could not be ascertained whether it was ante or post death. The villagers removed the body and buried it in the village grave yard.”

Sarwar Jan (55), PW 18 was punished because she failed to meet the demand of some Army Jawans for the supply of girls to satisfy their sexual lust. Says she:

“Army Jawans numbering 5/6 entered our house at 8 am on Friday during the course of the crackdown. They were armed. They asked me to provide young girls for them. I said, ‘I am a widow, how can I arrange to do so?’ On hearing this, I was beaten up with rifle butts with the

result that my leg and thumb got injured and I fell unconscious due to the receipt of a blow on the head. On gaining consciousness after an hour or so, I found that the Jawans had left.”

Abdul Rahman (35), PW 34 is a shepherd boy. He has been severely punished for being a young and innocent youth. He states:

“On Thursday in the morning, the Army people laid a siege around our village while I was grazing cattle in a nearby jungle (forest). I was caught by the Jawans numbering 5 or 6 and hung upside down from a tree and then beaten up with wooden sticks on the joints of arms and feet along with back etc. The torture marks are still visible on my body. My entire body is aching. I cannot walk without the support of a stick. My back and buttocks and armpits were hit with rifle butts. They said, “You are militant, give us arms.” I was taken to Tapar (Pattan) Camp where I was subjected to torture continuously for nine days. Electric shocks were given on all parts of my body including the penis. After nine days I was set free and handed over to Police Station, Pattan who asked a taxi owner to drop me in my village. I am under the treatment of Primary Health Centre, Ashtengu.”

Abdul Rashid Lone (22), PW 36 has been punished only because he is young and stout, Says he:

“During crackdown on Saturday, I was present at Binlipora in the house of one of my relatives, All the young people were segregated at Dagman. The Army people took me to the house of Feroz-ud-Din. There they asked me to produce the gun. I said I have none. Upon this, I was stripped naked and made to lie down with my face towards the ground. Two Army Jawans rode on me with shoes on. Then an iron roller was rolled on my thighs. Four Jawans had put their entire weight on it. Thereafter I was beaten up with wooden rod on my legs, arms and thighs. Then hot iron was moved on my thighs and shoulders. The marks of hot iron pressing are still visible. Thereafter electric shocks were given to the male organ, ear-end and fingers. Then I was taken to an orchard and hung upside down from a tree. That day too I was beaten up with a wooden stick. After two days I was set free in semi-dead condition.”

Rafiq (25), PW 33 is widow of Abdul Gaffar Sheikh, who has died because of torture during interrogation. She says that her husband was taken into custody by the Army on the first day of crackdown and on the morning of September 16, 1991, his dead body was brought to her house by Bandipore Police who said that Army people had handed over the same to them for delivery to the concerned. Describing the condition of the body, she says:

“The dead body was mutilated due to torture. There was some ink sticking to the fingers but we do not know what could be the reason for it.”

Ghulam Mohi-ud-din Sofi (25), PW 39, though a Government servant, was punished only because of his young age. He was tortured so much that he could not give his hand to the coffin of his father, who had been, in the meanwhile, shot dead by the Army. Says he:

“On September 12, 1991 when I came out from the village latrine after easing myself in the morning. I saw the Army outside in their fatigues. They said, “You had fired on us, give your gun to us.” I am a Government employee. I have no gun with me. I showed them my identity card but even so, they did not relent. A Jawan in uniform told me in Kashmiri, “Hand your gun to me.” I said I am a Government employee, I have nothing to do with the gun. He beat me with rifle butt. I bled and was taken to the hilltop. There I was tied up with a rope and beaten with a piece of barbed wire, which was removed from a pillar. Burning cigarette bits were pressed to my body and salt was rubbed into the wounds. I asked for water and they asked me to sip my own urine. Thereafter I was beaten so mercilessly that I passed my stools in the trousers. I was paraded for identification before one Ashraf Gujri who told them that I was not a militant. Still the Army did not let me off. Instead, I was taken to the Interrogation Centre near village Aloosa. There I was beaten up again and eventually let off at 10 PM. I was not able to move. I reached home almost crawling. On reaching home, I was told that the Army had killed my father. Since I could not move, I could not even give my hand to the coffin of my father.”

Mohammad Ramzan Sheikh (21), PW 41, though a non-violent citizen, was punished only because he could not help Army to nab militants or show their hideouts. Says he:

“On September 12, 1991, I went with my sister Shakila (15) to pluck fruits in our orchard. The military men were already there. They blindfolded me and carried me to an unknown place. There I was dipped in the cold water for nearly one hour. Thereafter chilly powder was inserted in my mouth, chilly powder was sprayed on the eyes and the nostrils thighs after I was made to lie on the ground with hands tied and face upwards, Jawans who were four in number moved the iron roller with their weight on. I could not help crying with pain. Thereupon they dragged me and I became unconscious. On gaining consciousness, I found myself in Aloosa Band-saw Mill. There, electric shocks were given to me - two on the penis, two on the nostrils and two on either side of the forehead. There I remained for three days. Then I was taken to Hamri (Pattan) Military Camp. There I remained for six days and was torched for my failure to nab the militants or show their hideouts. After six days, I was made to board an Army bus and asked to get down on the road near Police Station, Pattan. Some people came to my rescue and carried me to Police Station, Pat tan. They sent a crash message to my home people through Police Station, Bandipore. Next day, my father, Habib Ullah Sheikh and another person, namely Sarafraz Khan came and took me along to my house. I am receiving treatment from Primary Health Centre, Ashtengu for the fall out of the torture and cannot even move my fingers to put down my signature though otherwise I could do it.” (Note: Instead of signatures, the witness put down his thumb mark on the statement that he gave before us).

Mohammad Ashraf Gujri (15), PW 43 was tortured only because he could not provide information demanded by the Army about the militants. Says he:

“From here (Ashtengu), I was taken to Ketsan. There I was subjected to violence. They said “Show us the militants.” I said I neither know the militants nor am I a militant. I was beaten up and electric shocks were given to me. I bled from my mouth and ears.”

Mugli (40), PW 49 was punished only because she happened to be an innocent household woman. Says she:

“The army came to our house and pointed guns on either side of my chest and asked to give guns which I had none and told them so. Feeling enraged, they slapped me and I fell down on the ground. They damaged the utensils and took away some clothes. My husband was detained for interrogation for two days during which he was beaten mercilessly. He was let off half-dead.”

Abdul Rashid Gujar (20), PW 55 was punished only because of his young age. Says he:

“During recent crackdown, we were got assembled at one place by the Army. I was taken out my them and removed to the interrogation centre at Koil. For four days ,continuously I was subjected to severe interrogation and torture. The army demanded weapons and I showed them my carpentry tools. They said “we do not want these tools; we want guns.” I said I do not possess any gun. They searched the house and took away a cash amount of Rs 9,000/- and one blanket worth Rs 700/-. I had borrowed that money from the bank. I vomited blood due to torture. For four days I was kept at Koil Interrogation Centre and then removed to Manasbal Interrogation Centre. There I was subjected to torture continuously for four days. Still they did not relent. From Manasbal, I was removed to the Interrogation Centre at Srinagar. There too I was tortured for four days. I was then let off at Police Station, Safapore who handed me over to my father. I am still under medical treatment.”

Mohammad Abdullah Sheikh (60), PW 57 is a respectable person of Malangam village. He was inter-alia said:

“During the course of interrogation, some youths were tortured by the Army. They were injured. They are 14 in number. I have prepared their list and present the same for record. The list is marked as EX PW 57/1.”

Abdul Ahad Shah (65), PW 62 is a respectable person of Koil village. He says:

“During the recent crackdown, the villagers were herded at one place and then search operations were conducted. During search, nothing incriminating was found. However, in order to terrorise people, the villagers were harassed for three days for no fault of theirs and on the pretext of interrogation. 15 young men were picked up and tortured. They have been incapacitated. Of them, some are Government employees. I produce a list of the aforementioned people. The list is marked as EX PW 62/1.”

Fayaz Ahmad Bhat (26), PW 64 is one of those persons belonging to Koil village who were incapacitated during the course of crackdown. Narrating his woeful tale, he says:

“I have read unto 9th standard. It has been my misfortune that whenever there has been crackdown in our village. I was arrested by the security forces and subjected to torture. On July 8, 1991 in the course of crackdown. The Army arrested me and tortured for two days and two nights continuously electric shocks too were given to me. The marks of violence are still visible all over the body. I was found innocent and released. In the recent crackdown, Army arrested me again and tortured me for 24 hours. I was hanged and maltreated and then released. My whole body is aching. I have been incapacitated. I cannot now do any work and earn my livelihood. Khaliq Bhat son of Lassi Bhat has also met the same fate. He is now-a-days admitted in Soura Medical Institute.”

Ghulam Hassan Shah (37), PW 66 hails from Mugam village alias Koil Muqam. He interalia says:

“During the crackdown, a number of young men from my village were tortured and injured by the Army on the pretext of interrogation. I am producing their list, which is marked as EX PW 66/1. Several of them have been incapacitated. One of them namely Bashir Ahmad Gujar son of Wali Rahman Gujar (22) is passing blood with urine and is still in a critical condition. He is an in-patient in ward 19 of SMHS Hospital, Srinagar.”

(Note: The list EX PW 66/1 contains the names of 25 persons).

Wali Rahman (50), PW 69 is the father of Bashir Ahmad Gujar to whom reference has been made of PW 66 as one of those who was incapacitated due to torture. The witness says:

“On Friday, September 13, 1991, the Army came to our village. They raided my house and broke to pieces windows and whatever else came their way. My son Mohammad Bashir was present in the house. The Army Jawans dragged out and then beat him in the compound. Then they took him to the nearby spring. There they tortured him so much that he fell unconscious. They rode on his body with shoes on and beat him. His head was dipped into the water and he was asked to drink the same. After he had done so, the Military Jawans rode on his belly and the water escaped through his mouth and nostrils. His brother Noor Mohammad Khan removed him to SMHS Hospital, Srinagar where he has been admitted for treatment in Ward No 19. He still continues to be under treatment. Ever since he was admitted to the hospital, he has been operated thrice... My son was innocent. Presently, he is struggling between life and death.”

Abdul Rashid Khan (35), PW 72 tells the most distressing tale of the atrocities inflicted by the Indian Army on his and his family. Says he:

“On Thursday, the Army cordoned off our village and conducted house to house search. At number of places, the land and even some graves were dug up and several others were checked by putting a machine on them. Nothing incriminating was recovered from his village such as arms or ammunition. Three rather four youths of this village were arrested and subjected to intense torture on the pretext of interrogation. Their names are given below:

1. Mohammad Amin Khan (38) son of Dilawar Khan.
2. Zahoor Ahmad (25) son of Wali Mohammad.
3. Mohammad Sadiq (27) son of Abdul Ahad Khan.

4. Shah Nawaz (24) son of Abdul Ahad Khan.

For two days, they were continuously tortured in the interrogation centres housed temporarily in the house of Qadir Khan and Primary school building. After two days, they were let off in semi-dead condition. They are still under treatment and convalescing. At the house of Qadir Khan, they were made to lie on the heaps of dirt infested with ants and insects, which bit them. Earlier on May 6, 1991 during crackdown the Army indulged in indiscriminate and unprovoked firing around the village as a result of which my wife, Wahida, fell dead. I was caught from my field and tortured. On hearing my shrieks, she peeped from the window. Thereupon, a volley of shots was fired on her and she died instantaneously. Seeing this, my cousin Ghulam Rasool Khan son of Saif Ullah Khan moved out of the house and asked Army people, who had meanwhile come into the courtyard, as to what this innocent woman - mother of four children - had done that she was killed. On hearing this, the Army officer got enraged and ordered to end up the matter by killing him too. Upon this, the Jawans fired seven shots at him from a point blank range and he died instantaneously. His wife aged 40 years namely Hanifa and three children including one daughter are living as destitute. The brother of the deceased was caught and tied to a tree with ropes all day through. His son, Zahur Ahmad (15) was put in cold water in the canal with a stone on his head. I too was tortured and not even allowed to participate in the last rites of my wife. Our house too was not spared. Bullet shots were indiscriminately fired at it which have rendered it unfit for dwelling. Police inspected the spot. Even the Tehsildar and Press people came here and took stock of the situation. Press people also took photographs. The firing on our house was so intense that my two daughters Parveena (7) and Fancy (9) were also injured. The incident was reported in the issue dated July 7, 1991 of Daily Alsafa and Daily Aftab, Srinagar. A copy of relevant issue of Daily Alsafa is being produced. The same is marked as Ex PW 72/1. The Army has ruined our entire family. They have incapacitated me by subjecting to intense torture. Neither the Police has cared to take action in the matter nor even the Government has paid any compensation.”

Mohammad Sadiq (27), PW 73, his brother Shah Nawaz, Farooq Ahmad Ganai (24), PW 74, Abdul Majid Lone (25), PW 75 and Ghulam Rasool Beg (36), PW 78 were all punished because India considers people in their age group as pillar of the on-going struggle for self-determination in Kashmir. They were subjected to severe torture and the pattern was almost the same. To illustrate such pattern, we quote here the statement of Abdul Majid Lone PW 75. He says:

“I am running a medical shop in Onagam village. During recent crackdown on September 12, 1991. I was arrested by the Army along with some other young-men of Onagam village. Our hands and feet were tied with a rope heaps of dirt in the ram shackle house of Qadir Khan even without giving us anything to eat. The creeping insects and ants bit us all through the night. Next day, I was hung upside down and then beaten mercilessly. For three days and two nights, all the possible methods of torture were tried on me. I have received injuries and am getting medical treatment. I have got the X-ray just now (Note: The witness showed the same to us). The doctor says that there is a crack in the left leg but it does not need plastering. With bed rest for three months, as he put it, it will get well.”

Mohammad Syed Zarger (25), PW 77 too was treated in the same manner as PWs 73, 74 and 75. He has developed bodily complication due to the torture given to him which could not be treated Bandipore Hospital who have referred him for treatment to SMHS Hospital, Srinagar. After narrating his woeful story he adds:

“Besides myself, 23 persons were tortured from our village during the crackdown. I am presenting the list and the same is marked as Ex PW 72/2.”

Abdul Hamid Sheikh (25), PW 80 too has been punished on account of his jungle. They demanded gun from me. I could not meet their demand because I had none. They hanged me from a Kail tree all day through and beat me with wooden sticks. Then eight/nine soldiers rode upon my thighs and rolled a roller over my legs. They even tried to commit sodomy on me. I raised outcry. On hearing my cries, some women assembled on the spot and the soldiers loosened their grip and carried me to a house in Chachinar. There I was made to lie on the ground with face down-wards and hot iron was applied to my thighs and the back. Then

electric shocks were given on my head, thighs and penis. Thereafter, I was taken out of the house and made to dip my head in a tub, which was filled with water. There were some uniformed Kashmiri speaking Hindi with the Army who treated me callously. They beat me with rifle butts. I was held in captivity and subjected to interrogation and torture for seven days and then set free at Ketsan.”

Namdar Jan, PW 82 is the brother of Shalil Ahmad Jan Medico under training who was tortured to death by the Army. Says he:

“On September 12, 1991 at 6 am, the Army started crackdown in Halqa Aloosa. My brother, Shakil Ahmad Jan had gone to Binlipora for plucking fruits in our orchard. He got stranded there due to the crackdown. He was held for interrogation during the course of which he was tortured to death by the Army. His body was delivered to us by the Army on September 15, 1991. Due to the application of excessive violence, the body had turned blue. There were contusions on the body and the blood was trickling out from his ears. There were rope marks on the neck. Shakil Ahmad was due to leave for Bihar on September 13, 1991 for medical training. He had completed all the papers. I am presenting copies, which are marked Ex PW 82/A and Ex PW 82/B. I reported the matter to the Police on September 19, 1991. The Police has neither started the investigation nor examined the witnesses. They have not even cared to refer the victims of rape and torture for medical examination.”

Mohammad Ramzan Masroor (55), PW 83 has been punished only because his two sons are militants. In his statement, he says:

“My two sons Javid Saleem (Malik) and Showkat Saleem (Malik) are active supporters of the on-going movement.... During the recent crackdown, I happened to be at Binlipora. On September 15, 1991, I was separated from the gathering during identification parade and taken to the make - shift interrogation centre in the house of Feroz Din. There I was told to produce my sons (mentioned above) and the weapons possessed by them. I expressed my inability pleading that I had nothing to do with them nor would they even visit my house in my presence. Thereupon the Army did not only beat me but also made me to chew salt. Whenever I asked for water, they responded the demand with lathi blows. Eventually they set me free at 6:30 PM. When I reached home. I found that the Army had ransacked everything there and even stolen some articles including the clothes of my daughters and my son Manzoor-ul-Haq and also two telephone apparatus and one torch. They had conducted the search in the absence of the inmates of the house and even broken to pieces some doors and windows.”

Ghulam Mohammad Mir (60), PW 85 is the village headman (a village official who is considered to be a part of the local administration). Even he could not help leak out, though reluctantly, the truth about the atrocities committed by the Army during the course of the crackdown in his village. His statement gives a harrowing tale of the brutal killing of two teen-aged brothers by the Indian Army in Kunis village. The Army shot dead one of them and killed the other by torture during interrogation. Says he:

“On the morning of September 12, 1991, around 7 am, the Army sent for me from my house. They had come during night and shot dead Mumtaz Ahmad Mir, a boy of 17 years, on the road near Darasgah (School Building). He had appeared in the entrance (10th class) examination and was waiting for results. Meanwhile, he was working as watchman of the orchards. He used to go far watch in the morning and come back in the evening around 9:10 PM. Pointing towards the dead body, the Military officer enquired from me whether he was a militant. I told him that the boy was not a militant adding that he was a student who had appeared in 10th class examination and taken up the job of watchman till his results were out. My reply did not impress the Military officer who shouted at me that I was not speaking out the truth. However, I kept on repeating that they had killed an innocent boy and there by committed a sin. He asked me to assemble all the villagers at one place adding that they knew who were the militants and could identify them on their own. On my instructions, the village watchman made an announcement on the public address system of the mosque that all the inmates of the village, men and women, young and old, healthy and ailing should come out. As a result of this, all of them gathered at Idgah (place for offering congregational prayers on the Idd day). To begin with, the Army people separated 12 boys, of whom five boys, were taken in a room of the nearby

school which housed the interrogation centre temporarily. When these boys were being beaten up, they started crying.... In the meantime, four boys were taken out of the interrogation centre. the remaining one was kept inside who went on crying due to relentless torture. His name was Showkat Ahmad Mir. He was the brother of Mumtaz Ahmad Mir.... Around 3 O'clock when Showkat was almost dead, the Army handed him over to us. I put him on the ground in Idgah and gave him some water to drink. Within a span of one hour, he breathed his last. He was 20-year-old and had appeared in 12th class examination. He was buried the next day. The Army people separated several other boys as well for interrogation. In all, 35 boys were beaten up mercilessly. Several other third degree methods were tried on them. Almost all of them suffered injuries and some of them have been rendered cripples. They cannot perform their normal activities. Their names have been already included in the list presented by Ghulam Hussan Bhat, PW 81.”

Ghulam Ahmad Mir (28), PW 87 is one of those who were subjected to torture in the temporary interrogation centre at Kunis. Narrating his tale of woe, he says:

“During the recent crackdown, I along with other boys was arrested and subjected to torture on the pretext of interrogation. The Army people took me in a room of the Darasgah (School Building) which had been converted into a makeshift interrogation centre. They made me to lie on the ground and then questioned me about militants. I said I do not know any militant. Thereupon they rained lathi blows on me. Then they questioned me again about militants and I repeated that I did not know them. Thereupon, they made me lie flat on the ground with my face upwards and two Jawans rode on belly with their shoes on. So poised, they questioned me again about the militants, I again pleaded lack of knowledge. I was asked to stand up. After being tied with a rope, I was hung upside down and hit on my arms, legs and back with almost 4” thick wooden rod. The Army people said that since you are a sporting a beard you must be knowing the militants. I again said that I knew nothing about the militants. Then they untied the rope and I fell in the ground. They rained club blows on me and followed up the same by giving me power shocks and moving a roller over my body. I became unconscious. After I regained consciousness, I was taken before army officer in the next room. He questioned me about `militants`, `their hideouts`, `their routes and means of transport`. I said I have no knowledge about all these things. For about half an hour he kicked me in my sides near the kidneys. I again myself in the compound of Darasgah (School). I was set free at 5.30 PM. People in the gathering carried me to my house. Since then, I am getting medical treatment but still I am not well. There were some 35 or 36 boys who were tortured. They too met the same fate. Of them, Showkat Ahmad Mir, succumbed to the torture.”

Bashir Ahmad Khan (26), PW 88 was working as Medical Assistant in the Unani Dispensary at Kunis. He was punished on the pretext of providing medical relief to militants. Says he:

“I am working as Medical Assistant in the Unani Dispensary at Kunis. During the recent crackdown, I too was separated from the gathering and subjected to the same treatment as Ghulam Ahmad Mir (P W 87). They said, “You are providing medicines on his fore-head and my duty is to provide medical relief to everybody demanding the same. They felt offended with my reply and subjected me to severe torture. They even broke open the lock of dispensary and, apart from spoiling the medicines, broke the glass-panes and doors.”

For fear that we might be accused of making this report to bulky, we refrain from referring to other available evidence about torture, particularly, because it is of the same type as that discussed by us above.

The evidence before us leaves no room for doubt:

(i) that innocent people in the age group of 15 to 35 years were picked out at random for torture, though ostensibly for interrogation, to prevent them and others like them from getting actively involved in the on-going movement for self-determination in Kashmir;

(ii) that people in the upper age group not excluding the loyalists of India were harassed and humiliated or tortured for their failure to exercise their authority and influence to prevent the

youth from getting actively involved in the said movement, and in some cases simply because they could not provide girls for quenching the sexual lust of Army Jawans;

(iii) that the methods of torture used during interrogation were as follows:

- (a) Beating with wooden rods and rifle butts;
- (b) Laying prostrate on the ground and moving a heavy roller over the body;
- (c) Giving electric shocks at different places of the body particularly the penis;
- (d) Spraying chilly powder into the eyes, ears and nostrils and inserting same into the rectum;
- (e) Dipping the head in cold water or water mixed with chilly powder;
- (f) Suffocation caused as a result of putting cloth into the mouth and blocking the nostrils;
- (g) Pulling out hair from the head and beard;
- (h) Hanging the body upside down after tying the rope to it;

(iv) That the fall out of the torture was that five persons were killed and 318 persons were injured maimed or crippled.

(List appended as Annexure `B').

Indiscriminate Firing and Resultant Casualties

From the evidence of PWs 3, 30, 40, 42, 58, 66, 67, 82 and 86 it transpires that the Army announced their presence by indulging in indiscriminate firing which shook up the unwary villagers and made them to run for safety here and there. Of them, some preferred to seek refuge in the adjoining forests or were already there for grazing their cattle without knowing that even such forests were under siege leaving little room for them to escape the bullets of the Indian soldiers. Excluding those whose bodies were either taken away by the Army or remained untracked in the thick of the jungle, eight persons fell dead and five persons got injured as a result of the gun-shots fired by the Army. The list of casualties is appended as Annexure `C' hereto.

For more details, we shall briefly refer to the depositions of some witnesses having bearing on this matter.

Mahtaba (40), P W 37 is the widow of Mohammad Abdullah Sofi. He was shot dead in the jungle-adjoining village Ashtengu. She affirms:

“On September 12, 1991, around 7 am, my husband proceeded to jungle for grazing the cattle. He was shot there by the Army with a chemical weapon. I came to know about it only when the Army took a person, namely, Gani Dar, to carry drinking water for them into the jungle. There he was told to inform Nambardar (Village Headman) namely Maqbool Sheikh to come along with five/six persons namely Majid Lone, Zafar Ullah Sofi, Khalil Lone, Aziz Sheikh, Ramzan Dar and Mohammad Ashraf Sheikh went there. There they identified the body of Mohammad Abdullah Sofi on September 15, 1991. The body had fire burns of some chemical weapon. It could be identified with difficulty and, that too, because of the clothes. The body gave a stinking smell. There were insects creeping on it. The fore-mentioned persons brought the body to the village. After ritual bath to the body, the Army again came to the village and terrorised people to scare them away from the scene. The body remained unattended on the roadside opposite Mosque for nearly two hours. It was buried in the evening after the Army had returned to their camp.”

Mohammad Ashraf Gujri (45), P W 43 has himself witnessed the death of Mohammad Abdullah Sofi. He testifies:

“During the recent crackdown, the Army killed Mohammad Abdullah Sofi in my presence. He was going to the jungle. I too was running towards the jungle. Mohammad Abdullah Sofi received a bullet and fell on the ground. Thereafter, the Army pumped more bullets into his body till he was completely dead. They caught hold of me and held me in captivity. They read out to me the names of 13 youths and asked me to confirm if they were militants. I said perhaps

they are militants. From here (Ashtengu), they carried me to Ketsan. There they tortured me and asked me to point out the militants. I said I do not know any nor am myself a militant. They maltreated me and even gave power shocks. Blood trickled out of my mouth and ears. Mohammad Abdullah Sofi's body remained in the jungle for three days simply because the Army did not permit it to be removed."

Ghulam Mohammad Sheikh (40), PW 44 has received bullet injuries.
He says:

"It was Thursday. I had gone to the jungle for lopping grass. I found the military people present there. The moment they sighted me, they fired a shot at me. The bullet grazed my left thigh resulting in bleeding. I came back home with difficulty. On account of the crackdown, I got myself treated from the village para-medico. I am still under treatment."

(Note: The injury caused by the fire was visible inside the left thigh of the witness).

Farooq Ahmad, PW 58 too has suffered a bullet injury while he was grazing the cattle. He says:

"On Thursday (September 12, 1991), the Army came into the Malangam village. While entering the village, they showered bullets indiscriminately. As soon as I came out of the house to graze cattle, a bullet grazed my left thigh causing injury to it. I crawled back to the house and arranged medical aid from a Medical Assistant of the village. The bullet injury has incapacitated me."

Hafeeza Begum (40), PW 65 is an unfortunate mother whose son Bashir Ahmad fell dead as a result of indiscriminate firing by the Army. Says she:

"My son Bashir Ahmad was shot dead by the Army during the recent crackdown on Thursday while he was away at a distance of 50 metres from our house. He did not know that the Army was present on the nearby hillock. He had, as usual, left his house in the morning for grazing cattle in the jungle. The Army firing was unprovoked and without warning. Bashir Ahmad had fallen injured on the ground. The people attempted to rush him to the hospital but they failed to save the boy because the Army made it impossible for them to reach the hospital in time. There was three hours delay during which he bled profusely and eventually died on way to the hospital. His body was brought to our house at 12 noon and was buried the same day at 3 PM in the village graveyard."

Ghulam Hassan Shah (37), PW 66 gives more details about the firing, which resulted in the death of Bashir Ahmad. He asserts:

"On Thursday, September 12, 1991, as usual, I offered morning prayers in the mosque. After I came out of the mosque, I heard the sound of firing. From the nearby houses, the women-folk started weeping and wailing only because they felt worried for their children who had gone to the jungle for grazing the cattle. Feeling moved by their predicament, I proceeded to bring back these children even at the risk of my life. Luckily, they were not far away from there. I was able to reach them and while I was asking them to get back, the firing started suddenly. I looked around and found that the Army Jawans were firing at us without even giving us any warning. Incidentally, a bullet struck the boy named Bashir Ahmad Shah and piercing through the thigh entered his groin region. He fell injured on the ground. Another bullet grazed my left ankle of the leg. I was present there along with three boys namely Bashir Ahmad, Javid Ahmad and Altaf Hussain and all the three had come out for grazing the cattle. Javid and Altaf had a providential escape. Much though I wanted to lift Bashir Ahmad, I could not do so due to the unabated firing. I along with Javid and Altaf Hussain took shelter behind the wall in the nearby Nallah (stream) till the firing stopped. The Army people stopped the firing only when they felt that all of us had fallen dead or injured on the ground. After the firing had stopped, I removed the injured to his house with the help of other villagers. By that time, he had bled profusely. There is no first-aid facility available in our village. No vehicle was also available due to the crackdown. We put the injured on a cot and proceeded to Bandipore Hospital. However, unfortunately, the Army repeatedly stopped us en-route with the result that there was tremendous blood loss and the injured died before we could reach the hospital. For my injury, I

received iodine treatment at my house. Later on I got the treatment from Bandipore Hospital but the wound has not yet healed.”

Abdul Rahim Khan (41), PW 67 is a teacher. He was posted at Muqam Koil on the fateful day. He says:

“I am posted as a teacher in Muqam (Koil) village. On Thursday at 6:20 am when I was coming out from the Mosque there was fierce firing. I was not aware that there was crackdown. During firing by the Army, two shots hit my house. I had a providential escape. This firing continued for half an hour. The army was doing it without any rhyme or reason. No warning was given nor any announcement made. Nobody was knowing that there was a crackdown until, of course, the firing started. People were harassed and they hid themselves in their houses. I too stayed indoors.

Shafiqa Bano (14), PW 84 is a young girl who was also injured as a result of gunshots fired by the Army. She says:

“On Friday around 1:30 PM. I was in my vegetable garden. I was walking on its edge. In the meanwhile, the Army fired at me. I got injured and received treatment in SMHS Hospital, Srinagar till October 2, 1991. I am presenting my discharge slip for perusal.”

(Note: The slip contains the following entries:

Name of Patient	Shafeeqa
Daughter of	Late Khaliq Bhat
Age of Patient	15 years
Sex	Female
Address	Tehsil Bandipore
M R D No	463829
DDA:	18-9-91
DOD:	2-10-91
Diagnosis	Bullet Injury Mandible Nasopheiry injured tear)

She continued, and said:

“The treatment involved a lot of money which was spent by my home people. Military people took me to Sopore Hospital from where I was referred to Srinagar.”

Reading together the aforementioned evidence and the statements of Ghulam Hassan Bhat, PW 81 and Ghulam Mohammad Mir PW 85, hereinbefore reproduced in this report, it is abundantly clear that the Army indulged in indiscriminate firing to herald the crackdown and unjustifiably left eight persons dead and five persons injured as a result thereof (List appended as Annexure `C` hereto).

Terrorisation and Resultant Deaths

It is in the evidence of Ghulam Hassan Bhat, PW 81 that two women died of heart failure as a result of the terror let loose by the Army during the crackdown. Their names are given in the list appended as Annexure `D` hereto Giving a first hand account of the death of one of them, Molvi Nazir Ahmad, PW 40 has, interalia, said:

“Military people including two uniformed Kashmiri Pundits entered our house. I recognised the Kashmiri Pundits. They had been my contemporaries. We were class-fellows. One of them was Ashok Kumar of Habba Kadal. He was reading with me in M P School. The other one was pet-named as `Nana` in the school. Both of them poured their wrath on the inmates of our house and beat them mercilessly irrespective of their age or sex and told me in Kashmiri, “We and not you shall be the rulers here (in Kashmir).” The harassment caused by them made the heart of my aunt, Sarva, to sink and she died instantaneously. We could arrange her burial only on the fourth day because, meanwhile, all the villagers including the inmates of our

house were required to assemble at one place in the morning and to disperse in the evening while curfew was imposed during night with 'shoot-at-sight-orders' for its violation."

Insult to the Dead

The universally accepted principle of human conduct having its roots in the religion, ethics and culture of every society is that due respect should be shown to the dead but, regrettably enough, the Indian Army, once a disciplined force, even forgot this principle. There is ample evidence on the record, to which we have already referred, showing that those killed during interrogation or otherwise by the Army did not receive the respect that they deserved even after they were dead. To quote a few examples, the bodies of Raju, Mumtaz Ahmad Mir, Mohammad Abdullah Sofi and Nissar Ahmad Khan lay in the open, uncovered and unattended, for quite some time before the same could be retrieved by the villagers. There were insects creeping on the body of Mohammad Abdullah Sofi, which remained unwept and unsung in the jungle for three long days. The Army even did not hesitate to launch an offensive on the dead sheltered in their graves. They got several graves dug up and one of them twice, without caring to preserve and protect the sanctity of the dead bodies sheltered there against exposure to public view and, what is rather more deplorable, they did not have the slightest compunction in removing the shroud of a dead woman, despite protests by villagers. Such senseless conduct of the Indian Army, it was rightly contended before us, portrays the attitude and behaviour of occupation forces such as Nazis in Europe during the worst days of occupation after the last World War. Our observations are rooted in the evidence on record to which we shall presently refer.

Mohammad Shafi, PW 50 is the Imam (person leading the congregational prayers) of Jamia Masjid, Malangam. To start with, he refers to the search conducted by the Army in the said mosque and then says:

"Then, they went to the grave-yard. There, they dug up two green graves and took out the dead bodies of Yousuf Sheikh son of Sattar Sheikh and Janati, wife of Samad Mir sheltered there. Both of them had died natural death at the age of 50 years. One of them had been buried just four days back while the other had been buried one month before. Janati's grave was dug up twice, first time by one group of Army Personnel who recovered nothing objectionable from it and second time by another group of army personnel, despite the fact that they were told that it had been already dug up once and requested to refrain from repeating the process over again. They were all Hindus and belonged to the Dogra Regiment. They showed no respect for our religion or sentiments and, what is rather surprising, they did not hesitate to remove the shroud of Janati despite protest. The search party was accompanied by our local representatives namely Mushtaq Ahmad Advocate, Master Gulzar Ahmad, Mohammad Abdullah Sheikh and Ghulam Mohi-ud-Din Banday who actually made the protest but the search party did not listen to them. I was not myself present when the graves were dug up and all that I have said about this was communicated to me by the previously mentioned persons. But upon inspection, I found that both the graves had been dug up which had injured the sentiments of the villagers."

Mohammad Abdullah Sheikh, PW 57, who is an eyewitness to the entire operation, endorses the statement of Mohammad Shafi, PW 50. He was one of the local representatives accompanying the search party. After referring to the search operations in Jamila Masjid and its neighbouring shrine, he says:

"Thereafter, they entered the grave-yard where they dug up the graves sheltering dead bodies of Yousuf Sheikh son of Sattar Sheikh and Janati, wife of Samad Mir. Janati had died one month before, Janati's grave was dug up first day by one search party and next day by another search party. We objected but they did not listen and even threatened to kill us if we did not behave. They took out the dead bodies and even removed the shroud of Janati. The entire village community has felt hurt. It is nothing but a barbarity. This has never been done even by the most wretched government. The army men were Hindus who had no respect for the sentiments of the Muslims nor even realised that, so acting, they were unduly interfering with our religious affairs."

Abdul Rahim Khan, PW 67 belongs to Muqam (Koil) where also the graves were dug up by the army. Referring to the same, the witness says:

“During the search operations, they (Army) dug up some graves. They dug up three graves and, in the evening, even burned down the planks which had been removed from them.”

Ghulam Nabi Shah, PW 70 is an old and respectable man of Muqam (Koil). He has given more details about digging up of graves in that village. He says:

“Our ancestral grave-yard is situated in Muqam (Koil). During the recent crackdown, the Army entered the graveyard and dug up several graves of our ancestors and relatives and thereby, not only injured our sentiments but also those of village community.

These graves sheltered the dead bodies of the following persons:

1. Aziz Shah son of Abdullah Shah (He was my uncle).
2. Zaina wife of Aziz Shah (She was my aunt).
3. Ghulam Mohammad Shah son of Aziz Shah (He was my cousin brother).
4. Jana daughter of Aziz Shah (She was my cousin sister).
5. Gula son of Aziz Shah (He was my cousin-brother).

Defilement and Desecration of Religious Places

To add insult to injury, as the evidence reveals, the army defiled and desecrated the religious places of Muslims by entering the same with their shoes on and at times took the dog squad inside. They did not hesitate to dig up walls and floors of the mosques and shrines at random without any results as the exercise was merely a sinister move to provoke the Muslims. In order to lend support to these observations, it will be necessary to refer to a few statements of the witnesses.

Mohammad Shafi PW 50 is the Imam (person leading congregational prayers) of Jamia Masjid Malangam. Says he:

“On Friday, the Army came to our village and got the inhabitants assembled at one place. Then they separated me from the gathering and took me along to the mosque. They entered the mosque with their shoes on and searched every nook and corner.”

Mohammad Abdullah Sheikh, PW 57 accompanied one of the search parties of the Army during search operations at Malangam. He says:

“I, Mushtaq Ahmad Advocate, Gulzar Ahmad Zargar and Ghulam Mohi-ud-Din Bandy were with search party. Despite our protests, the search party went inside the Mosque and the nearby shrine of Haji Babo Sahib with their shoes on and searched every nook and corner. They dug up the floors and demolished the walls but did not get anything incriminating. They actually demolished the compound walls to unearth, as they said, the arms but did not get anything.”

Abdul Rahim Khan, PW 67 is a teacher. He is from Muqam (Koil) village. Says he:

“During search operations, the Army went inside the mosque at Muqam (Koil) with their shoes on and even broke to pieces the Almirahs but they did not find anything incriminating.”

Ghulam Hassan Bhat, PW 81 belongs to Aloosa village. He has filed a written statement in which he says:

“The Army entered the Jamia Masjid and the shrine (of Syed Mohammad Yosuf Kirmani) with the spy dogs and not only demolished the compound walls of the shrine but also broke to pieces the windows and doors of its inner chamber.”

Loot and Damage of Property

A number of witnesses notably PW 8, 12, 13, 22, 33, 38, 48, 49, 51, 54, 55, 68 and 81 have deposed before the Commission that the Army dug out walls and floors of private houses; broke

to pieces household articles, windows and window-panes and took away cash and many other articles including valuables. Some of them are themselves the victims. Based on their evidence, the list of sufferers is appended as Annexure "E" hereto.

General Repression

The most distressing feature of the operation was that the villagers were harassed and humiliated generally. They were required to sit under scorching sun or pouring rain, depending on the mood of the weather, from morning till evening for eight days continuously without anyone being allowed to eat or drink. The Army did not have any mercy for the aged, ailing and infirm and not even for the tiny-tots. Both, young and old, were harassed, humiliated and tortured without exception, the former because they are presumed to be potential helpers and supporters of the militants. The whereabouts of a number of young persons who were arrested during the crackdown are still unknown. We are appending their list as Annexure "F" hereto. "Respect for the dead" is a watchword in every society. However, the Army did not show any respect even for the dead who had to wait for burial till the crackdown was lifted. A few people were battered and pounced because they expressed their inability to supply girls to the lusty Jawans. The erstwhile loyalists of India were roughed up only because India, no longer believes that it has any supporter or sympathiser in Kashmir. As many as sixteen makeshift interrogation centres (vide Ex P W 81/6) were set up in the sieged areas for torture though ostensibly for interrogation. Hundreds of people were subjected to third degree methods and a number of them so intensely that they have been rendered dead weights. In short, there was hardly anyone in the areas covered by the crackdown who did not suffer one way or the other.

Conclusion

Having regard to all the circumstances, the Commission has come to the conclusion that "Operation Wullar" was nothing but an "Operation Repression" aimed at crushing the spirit of the people of Kashmir.

Sd/

D S Gill

Sd/

Mufti Bahauddin Farooqi (Justice)

The List of PWs

1. Ghulam Nabi Dar son of Abdul Ahad Dar resident of Aloosa.
2. Showkat Saleem Shah son of Saif-ud-Din Shah resident of Aloosa.
3. Bashir Ahmad Bhat son of Abdul Ahad Bhat resident of Aloosa.
4. Zoonah wife of Ghulam Mohammad Hajam resident of Aloosa.
5. Mumtaza wife of Farooq Hajam resident of Aloosa.
6. Noor Jehan wife of Najam-ud-Din resident of Aloosa (Billipora).
7. Mohammad Yousuf Shah son of Mohammad Mukhtar Shah resident of Aloosa.
8. Zeba widow of Wali Bhat resident of Aloosa (Lahipora).
9. Bashir Ahmad Ahangar son of Ghulam Nabi Ahangar resident of Aloosa.
10. Zaina wife of Ahad Njar resident of Aloosa.
11. Shama wife of Mushtaq Hajam resident of Aloosa.
12. Amina wife of Bashir Ahmad Bhat resident of Aloosa.
13. Ghulam Ahmad Dar son of Abdul Karim Dar resident of Aloosa (Sogami Wudar).
14. Alimdin son of Sayin Mohammad resident of Binlipora Ketsan.
15. Marya Begum wife of Siraj-ud-Din resident of Aloosa (Ketsan).
16. Arsha Bi wife of Raju resident of Binlipora (Chachinar).
17. Dani wife of Ismail resident of Chachinar, Aloosa.
18. Sarwar Jani wife of Sayin Gujjar resident of Chachinar, Aloosa.
19. Roshni alias Arshi wife of Shama Gujjar resident of Chantiwari, Aloosa.
20. Bagi widow of Faqira Gujjar resident of Chachinar, Aloosa.

21. Bibi Fatima wife of Mian Qalamdin resident of Chachinar, Aloosa.
22. Hussain Jan widow of Jumma Khan resident of Ketsan.
23. Mehtaba widow of Rahman Lone resident of Binlipora.
24. Begum Jan widow of Majdin resident of Ketsan, Aloosa.
25. Bibi Jan widow of Lala Shah resident of Ketsan, Aloosa.
26. Jani wife of Hussan Gujjar resident of Chachinar, Aloosa.
27. Mohammad Abdullah son of Mir Mohammad resident of Hilmatpora, Aloosa.
28. Zaitun Begum wife of Qasim Shah resident of Ketsan.
29. Ghulam Nabi Bhat son of Qadir Bhat resident of Binlipora, Aloosa.
30. Ghulam Haider Khan son of Syed Ullah Khan resident of Sheikh Muqam, Aloosa.
31. Bagga son of Salam-ud-Din resident of Chontiwari.
32. Haji Ghulam Nabi Lone son of Mohammad Sidiq Lone resident of Binlipora.
33. Mohammad Sarwar son of Ghulam Qadir Sheikh resident of Koil Muqam.
34. Abdul Rahman Sheikh son of Mukhta Sheikh resident of Ashtengu.
35. Abdul Aziz Dar son of Mohammad Akbar Dar resident of Ashtengu.
36. Abdul Rashid Lone son of Abdul Aziz Lone resident of Ashtengu.
37. Mehtaba widow of Mohammad Abdullah Sofi resident of Ashtengu.
38. Refiqa widow of Abdul Gaffar Sheikh resident of Ashtengu.
39. Ghulam Mohi-ud-Din Sofi son of Mohammad Abdullah Sofi resident of Ashtengu.
40. Molvi Nazir Ahmad Qadiri son of Molvi Noor ud-Din Qadiri resident of Astengu.
41. Mohammad Ramzan Sheikh son of Habib Ullah Sheikh resident of Astengu.
42. Fateh Mohammad Lone son of Ahulam Ahmad Lone resident of Ashtengu.
43. Mohammad Ashraf Gujri son of Abdul Rashid Gujri resident of Ashtengu.
44. Ghulam Mohammad Sheikh son of Abdul Gaffar Sheikh resident of Malangam.
45. Khaliq Lone son of Ahmad Lone resident of Malangam.
46. Amino wife of Ghulam Mohammad Dar resident of Malangam.
47. Shamim Ahmad Bhat son of Ghulam Hassan Bhat resident of Malangam.
48. Zia wife of Habib Ullah Shah resident of Malangam.
49. Mugli wife of Habib Ullah Mir resident of Malangam.
50. Mohammad Shafi son of Ghulam Rasool Sheikh resident of Malangam.
51. Abdul Khaliq Zargar son of Ali Mohammad Zargar resident of Malangam.
52. Fata wife of Ghulam Mohammad Bhat resident of Malangam.
53. Zeba widow of Ghulam Rasool Bhat resident of Malangam.
54. Syed Amir Shah son of Naga Baji Shah resident of Malangam.
55. Abdul Rashid Gujjar son of Mohammad Abdullah Gujjar resident of Malangam.
56. Saif Ullah son of Hamid Ullah resident of Malangam.
57. Mohammad Abdullah Sheikh son of Ghulam Ahmad Sheikh resident of Malangam.
58. Farooq Ahmad Mir son of Ghulam Ahmad Mir resident of Malangam.
59. Shahmali wife of Khazir Mohammad resident of Koil.

60. Hajra wife of Rahat Mir resident of Koil.
61. Mohammad Abdullah Ganai son of Ghulam Ahmad Ganai resident of Koil.
62. Abdul Ahad Shah son of Mukhtar Shah resident of Koil.
63. Ghulam Mohammad Chopan son of Abdul Ahad Chopan resident of Koil.
64. Fayaz Ahmad Bhat son of Mohammad Maqbool resident of Koil.
65. Hafiza Begum wife of Mohammad Yousuf Shah resident of Koil Muqam.
66. Ghulam Hassan Shah son of Ghulam Mohi-ud-Din Shah resident of Muqam.
67. Abdul Rahim Khan son of Abdul Gafoor Khan resident of Koil Muqam.
68. Mohammad Farooq Shah son of Peer Shah Mohammad resident of Koil Muqam.
69. Wali Rehman son of Mohammad Hanif resident of Koil Muqam.
70. Ghulam Nabi Shah son of Abdul Kabir Shah resident of Koil Muqam.
71. Atiqa wife a Zia-ud-Din Shah resident of Koil Muqam.
72. Abdul Rashid Khan son of Mohammad Dilawar Khan resident of Panzigam.
73. Mohammad Sadiq Khan son of Abdul Ahad Khan resident of Panzigam.
74. Farooq Ahmad Ganai son of Abdul Khaliq Ganai resident of Onagam.
75. Abdul Majid Lone son of Ghulam Hassan Lone resident of Onagam.
76. Mohammad Shafi son of Abdul Ahad Shah resident of Onagam.
77. Mohammad Syed Zargar son of Ali Mohammad Zargar resident of Onagam.
78. Ghulam Rasool Beg son of Abdul Ahad Beg resident of Onagam.
79. Ghulam Rassol Wani son of Abdul Ahad Wani resident of Onagam.
80. Abdul Hamid Sheikh son of Ghulam Mohammad Sheikh resident of Ashtengu.
81. Ghulam Hassan Bhat son of Abdul Ahad Bhat resident of Aloosa.
82. Namdar Jan son of Mohammad Sarwar Jan resident of Aloosa.
83. Mohammad Ramzan Masroor son of Mohammad Rajab Malik resident of Aloosa.
84. Shafiqa Bano daughter of Abdul Khaliq Bhat resident of Kunis.
85. Ghulam Mohammad Mir son of Sharif Mir resident of Kunis.
86. Ghulam Mohammad Mir son of Mohammad Abdullah Mir resident of Kunis.
87. Ghulam Ahmad Mir son of Mohammad Ramzan Mir resident of Kunis.
88. Bashir Ahmad Khan son of Shahbaz Khan resident of Krari.

Annexure "A"

Women Raped

1. Zaina (25) wife of Ahad Najar resident of Aloosa.
2. Shama (20) wife of Mushtaq Hajam resident of Aloosa.
3. Marya Begum (21) wife of Siraj-ud-Din resident of Aloosa.
4. Arsha Bibi (25) widow of Raju resident of Binlipora (Chachinar).
5. Zona (20) wife of Mohammad Shafi resident of Malangam (was raped in her parental house in Chachinar).
6. Zulekha (21) wife of Abdul Rashid resident of Chachinar.
7. Roshni (30) wife of Shama Gujjar resident of Chachinar.
8. Beggi (45) widow of Faqira Gujjar resident of Chachinar.
9. Bibi Fatima (28) wife of Mian Qalam Din resident of Chachinar.
10. Bibi Jan (45) wife of Lala Shah resident of Ketan.

Annexure "B"

Torture and Resultant Casualties

(i) Killed.

1. Shakil Ahmad Jan son of Sarwar Jan resident of Aloosa.
2. Najamuddin son of Mam Din resident of Binlipora.
3. Abdul Gaffar Sheikh son of Abdullah Sheikh resident of Ashtengu.
4. Showkat Ahmad Mir son of Ghulam Ahmad Mir resident of Kunis.
5. Raju son of Kama Chohan resident of Chachinar (Binlipora).

(ii) Crippled, maimed or injured.

1. Rahman Mir son of Ahsan Mir resident of Aloosa.
2. Showkat Saleem Bhat son of Saif-ud-Din Shah resident of Aloosa.
3. Ramzan Hajam son of Sattar Hajam resident of Aloosa.
4. Rahman Bhat son of Ahad Kangrai resident of Aloosa.
5. Sona Bhat son of Ahad Kangrai resident of Aloosa.
6. Mohammad Bhat son of Ahad Bhat resident of Aloosa.
7. Khaliq Dar son of Soha Dar resident of Aloosa.
8. Majid Bhat son of Sona Bhat (Kote) resident of Aloosa.
9. Mohammad Syed Sheikh son of Abdul Ahad Sheikh resident of Aloosa.
10. Mohammad Yousuf Shah son of Mukhtar Shah resident of Aloosa.
11. Mohammad Sultan Shah son of Sona Shah resident of Aloosa.
12. Ghulam Hassan Shah son of Sona Shah resident of Aloosa.
13. Mohammad Rafi Sheikh son of Abdul Gani Sheikh resident of Aloosa.
14. Bashir Ahmad Shah son of Gani Shah resident of Aloosa.
15. Showkat Ahmad Shah son of Assad Shah resident of Aloosa.
16. Mukhta Bhat son of Ahmad Bhat Kana resident of Aloosa.
17. Basir Ahmed Bhat son of Abdul Ahad Bhat resident of Aloosa.
18. Mohammad Ramzan Bhat son of Mohammad Subhan resident of Aloosa.
19. Mohammad Aijaz Bhat son of Ghulam Hassan Kabu resident of Aloosa.
20. Mohammad Ahsan Bhat son of Mohammad Rajab Bhat (Kana) resident of Aloosa.
21. Jabbar Bhat son of Rahman Bhat (Kana) resident of Aloosa.
22. Abdul Majid Dar son of Aziz Dar resident of Aloosa.
23. Bashir Ahmad Bhat son of Ali Bhat (Kana) resident of Aloosa.
24. Rashid Bhat son of Ahad Bhat resident of Aloosa.
25. Mohammad Syed Jan son of Sarwar Jan resident of Aloosa.
26. Nazir Ahmad Jan son of Sarwar Jan resident of Aloosa.
27. Mushtaq Ahmed Bhat son of Abdul Ahad resident of Aloosa.
28. Reyaz Ahmad Jan son of Abdul Ahad Jan resident of Aloosa.
29. Gula Guru son Subhan Guru Aloosa.
30. Rehman Guru son of Subhan Guru resident of Aloosa.
31. Jabbar Bhat son of Mohammad Bhat (Kana) resident of Aloosa.
32. Gaffar Kumhar son of Shaban Kumhar resident of Aloosa.
33. Ahmad Guru son-in-law of Gula Guru resident of Aloosa.
34. Ghulam Mohi-ud-Din Lone son of Mohammad Lone resident of Aloosa.
35. Fateh Kumar son of Mohammad Kumar resident of Aloosa.
36. Abdul Aziz Hajam son of Sattar Hajam resident of Aloosa.
37. Majid Bhat son of Rajab Bhat resident of Aloosa.
38. Mohammad Hussain Bhat son of Sultan Bhat resident of Aloosa.
39. Mohammad Ayub Bhat son of Mohammad Yousuf Bhat resident of Aloosa.
40. Manzoor Ahmad son of Abdul Gani Bhat resident of Aloosa.
41. Mushtaq Ahmad son of Nazir Ahmad Bhat resident of Aloosa.
42. Nasir Ahmad son of Ghulam Mohammad Bhat resident of Aloosa.
43. Bashir Ahmad son of Sona Bhat (Kana) resident of Aloosa.
44. Mohammad Yousuf son of Sona Bhat (Kana) resident of Aloosa.
45. Reyaz Ahmad son of Ghulam Hassan Bhat resident of Aloosa.
46. Abdul Rahma son of Sattar Bhat resident of Aloosa.
47. Bashir Ahmad son of Sattar Bhat resident of Aloosa.
48. Mohammad Maqbul son of Qadir Bhat resident of Aloosa.
49. Yousuf Bhat son of Rajab Bhat resident of Aloosa.
50. Habib Wani son of Subhan Wani resident of Aloosa.
51. Gula Dar son of Lassi Dar resident of Aloosa.

52. Ahad Mir son of Ramzan Mir resident of Aloosa.
53. Mohammad Akbar Bhat son of Hussain Bhat resident of Aloosa.
54. Hussain Bhat son of Ahad Bhat resident of Aloosa.
55. Nazir Ahmad son of Mehda Mir resident of Aloosa.
56. Mohammad Maqbool Hajam son of Khaliq Hajam resident of Aloosa.
57. Qadir Hajam son of Ahmad Hajam resident of Aloosa.
58. Ahad Hajam son of Rahman Hajam resident of Aloosa.
59. Hassan Hajam son of Ahmad Hajam resident of Aloosa.
60. Ama Hajam son of Aziz Hajam resident of Aloosa.
61. Mahda Hajam son of Rahman Hajam resident of Aloosa.
62. Nabir Hajam son of Khaliq Hajam resident of Aloosa.
63. Mohammad Yousuf, Medical Assistant, Aloosa.
64. Master Ghulam Ahmad Bhat son of Mohammad Bhat resident of Aloosa.
65. Manzoor Ahmad Dar son of Ahmad Dar resident of Aloosa.
66. Rajab Bhat son of Subhan Bhat resident of Aloosa.
67. Ghulam Ahmad Bhat son of Shaban Bhat resident of Aloosa.
68. Mohammad Ahsan Dar son of Gani Dar resident of Aloosa.
69. Mohammad Ramzan Dar son of Mahda Dar resident of Aloosa.
70. Rahim Bhat son of Ahad Bhat resident of Aloosa.
71. Ahad Bhat son of Ahmad Bhat (Kabu) resident of Aloosa.
72. Ahad Bhat son of Subhan Bhat (Kabu) resident of Aloosa.
73. Ghulam Nabi Dar son-in-law of Abdul Rahman Bhat (Kana) resident of Aloosa.
74. Alam Din son of Nek Alam Gujjar resident of Binlipora.
75. Qamar Din son of Shamas-ud-Din Gujjar resident of Binlipora.
76. Siraj-ud-Din son of Umar Din Gujjar resident of Binlipora.
77. Noor-ud-Din son of Umar Din Gujjar resident of Binlipora.
78. Mirza son of Nawab Gujjar resident of Binlipora.
79. Hakim Bibi wife of Lal Din Gujjar resident of Binlipora.
80. Alauddin son of Mir Mohammad Gujjar resident of Binlipora.
81. Ali Mohammad son of Sattar Mohammad Gujjar, Binlipora.
82. Lala son of Salam Din Gujjar resident of Binlipora.
83. Gulab Din son of Din Mohammad Gujjar resident of Binlipora.
84. Shah Mohammad son of Ali Mohammad Gujjar resident of Binlipora.
85. Shama son of Noor Mohammad Gujjar resident of Binlipora.
86. Alam Din son of Mir Mohammad Gujjar resident of Binlipora.
87. Ghulam Hassan Sheikh son of Jabbar Sheikh resident of Binlipora.
88. Farooq Ahmad Wani son of Ghulam Mahi-ud-Din Wani resident of Binlipora.
89. Ayub son of Gulab Chillasi resident of Binlipora.
90. Yousuf son of Hassan Gujjar resident of Binlipora.
91. Mozam Din son of Lal Din Gujjar resident of Binlipora.
92. Nissar Ahmad son of Abdul Kashid Molvi resident of Binlipora.
93. Ayaz son of Tota Jujjar resident of Binlipora.
94. Bashir son of Qadir Gujjar resident of Binlipora.
95. Ghulam Nabi Bhat son of Qadir Bhat resident of Binlipora.
96. Mohammad Ayub son of Ghulam Nabi Lone resident of Binlipora.
97. Farooq Ahmad son of Ghulam Nabi Lone resident of Binlipora.
98. Alam Din son of Sayin Mohammad Gujjar resident of Binlipora.
99. Abdullah son of Mir Sheikh Gujjar resident of Binlipora.
100. Fayaz Ahmad son of Aslam Lone resident of Binlipora.
101. Bashir Ahmad son of Rahman Lone resident of Binlipora.
102. Yunas son of Nazar Gujjar resident of Binlipora.
103. Khurshid Ahmad son of Abbul Rashid Lone resident of Binlipora.
104. Jumma son of Rajwali Gujjar resident of Binlipora.
105. Ashaq Hussain son of Ghulam Mustaffa Lone resident of Binlipora.

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106. Ashaq Hussain son of Abdul Rashid Lone resident of Binlipora.
 107. Ali Mohammad son of Yousuf Gujjar resident of Binlipora.
 108. Jalal-ud-Din son of Abdullah Gujjar resident of Binlipora.
 109. Noora son of Din Mohammad Gujjar resident of Binlipora.
 110. Noor Din son of Taj Din Gujjar resident of Binlipora.
 111. Rashid son of Abdullah Gujjar resident of Binlipora.
 112. Abdul Ahad Lone son of Sabir Lone resident of Binlipora.
 113. Ghulam Rasul Lone son of Sabir Lone resident of Binlipora.
 114. Ghulam Hassan son of Ahmad Gujjar resident of Binlipora.
 115. Fayaz Ahmad Lone son of Rahim Lone resident of Binlipora.
 116. Abdul Rashid Lone son of Ahmad Lone resident of Binlipora.
 117. Mohammad Subhan Lone son of Gaffar Lone resident of Binlipora.
 118. Mohammad Rafiq son of Ghulam Mustaffa Molvi resident of Binlipora.
 119. Javid Ahmad son of Khalil Ullah Molvi resident of Binlipora.
 120. Gulla son of Soba Gujjar resident of Binlipora.
 121. Mohar Din son of Mam Din Gujjar resident of Binlipora.
 122. Nawab Din son of Mam Din Gujjar resident of Binlipora.
 123. Kalam Din son of Mam Din Gujjar resident of Binlipora.
 124. Jan Mohammad son of Jabbar Gujjar resident of Binlipora.
 125. Qasim son of Mohammad Shafi Gujjar resident of Binlipora.
 126. Ghulam Nabi son of Jumma Pathan Gujjar resident of Binlipora.
 127. Mian Noor Ahmad son of Shah Gul Gujjar resident of Binlipora.
 128. Haider Shah son of Sayin Gujjar resident of Binlipora.
 129. Mohammad Hussan son of Dilawar Khan Gujjar resident of Binlipora.
 130. Mushtaq son of Ghulam Nabi Gujjar resident of Binlipora.
 131. Ramzan Dar son of Sona Dar resident of Sogami Wudar (Aloosa).
 132. Ghulam Mohammad Dar son of Sultan Dar resident of Wudar (Aloosa).
 133. Bashir Dar son of Ahmad Dar resident of Sogami Wudar (Aloosa).
 134. Khaliq Dar son of Gaffar Dar resident of Sogami Wudar (Aloosa).
 135. Samad Dar son of Khaliq Dar resident of Sogami Wudar (Aloosa).
 136. Fayaz Dar son of Khaliq Dar resident of Sogami Wudar (Aloosa).
 137. Feroze Dar son of Rahat Dar resident of Sogami Wudar (Aloosa).
 138. Rehman Dar son of Ahmad Dar resident of Sogami Wudar (Aloosa).
 139. Mohammad Dar son of Ahmad Dar resident of Sogami Wudar (Aloosa).
 140. Akbar Dar son of Ahmad Dar resident of Sogami Wudar (Aloosa).
 141. Sadiq Dar son of Ahmad Dar resident of Sogami Wudar (Aloosa).
 142. Afroze Dar son of Sadiq Dar resident of Sogami Wudar (Aloosa).
 143. Rashid Dar son of Sadiq Dar resident of Sogami Wudar (Aloosa).
 144. Ramzan Dar son of Sona Dar resident of Sogami Wudar (Aloosa).

145. Aziz Dar son of Sona Dar resident of Sogami Wudar (Aloosa).
146. Subhan Dar son of Rahat Dar resident of Sogami Wudar (Aloosa).
147. Mala Gulam son of Mala Qadir resident of Sogami Wudar (Aloosa).
148. Rahmab Dar son of Mohamman Dar resident of Wudar (Aloosa).
149. Mohammad Fafu son of Sultan Fafu resident of Sogami Wudar (Aloosa).
150. Fateh Dar son of Kabir Dar resident of Sogami Wudar (Aloosa).
151. Samad Dar son of Kabir Dar resident of Sogami Wudar (Aloosa).
152. Showkat Dar son of Ahmad Dar resident of Sogami Wudar (Aloosa).
153. Shakil Dar Son of Noor Mohammad Dar resident of Sogami Wudar (Aloosa).
154. Farooq Dar son of Noor Mohammad Dar resident of Sogami Wudar (Aloosa).
155. Majid Dar son of Mohammad Dar resident of Sogami Wudar (Aloosa).
156. Latif Dar son of Mohammad Dar resident of Sogami Wudar (Aloosa).
157. Jamal Matahanji son of Lassi Matahanji resident of Sogami Wudar (Aloosa).
158. Mohammad Iqbal Dar son of Rahman Dar resident of Malangam.
159. Ali Mohammad Dar son of Rahman Dar resident of Malangam.
160. Master Khazir Mohammad Dar son of Habib Ulah Dar resident of Malangam.
161. Abdul Sattar Dar son of Habib Ulah Dar resident of Malangam.
162. Abdul Gaffar Dar son of Ghulam Ahmad Dar resident of Malangam.
163. Javid Ahmad Zargar son of Abdul Khaliq Zargar resident of Malangam.
164. Habib Ullah Zargar son of Ali Mohammad Zargar resident of Malangam.
165. Habib Ullah Mir son of Mohammad Akbar Mir resident of Malangam.
166. Mohammad Ahsan Bhat son of Ghulam Rasul Bhat resident of Malangam.
167. Mira Bano daughter of Ghulam Rasul Bhat resident of Malangam.
168. Ghulam Hassan son of Ghulam Qadir Bhat resident of Malangam.
169. Mohammad Ashraf son of Mohammad Ramzan resident of Malangam.
170. Mohammad Subhan son of Abdul Ahad resident of Malangam.
171. Mohammad Shafi son of Ghulam Rasool resident of Malangam.
172. Rashid Gujri son of Mohammad Adbullah resident of Malangam.
173. Mohammad Yousuf Bhat son of Zaffar Bhat resident of Malangam.
174. Mam Din Gujjar son of Gulla Khan resident of Malangam.
175. Shamim Ahmad son of Ghulam Hassan Bhat resident of Malangam.
176. Mohammad Yousuf Khan son of Habib Gul resident of Malangam.

- Malangam.
177. Sarwar Sheikh son of Ramzan Sheikh resident of Koil.
 178. Mohammad Ayub Sheikh son of Subhan Sheikh resident of Koil.
 179. Reyaz Ahmad Mir son of Amir Mir resident of Koil.
 180. Fayaz Ahmad Bhat son of Mohammad Maqbool Bhat resident of Koil.
 181. Sana Ullah Ganai son of Ahad Ganai resident of Koil.
 182. Mohammad Yousuf Ganai son of Ghulam Rasool Ganai resident of Koil.
 183. Abdul Khaliq Bhat son of Lassi Bhat resident of Koil.
 184. Abdul Gani Bhat son of Lassi Bhat resident of Koil.
 185. Nazir Ahmad Sheikh son of Sattar Sheikh resident of Koil.
 186. Ghulam Rasool Sheikh son of Sattar Sheikh resident of Koil.
 187. Mohammad Yousuf Sheikh son of Abdullah Sheikh resident of Koil.
 188. Gula Bhat son of Ahmad Bhat resident of Koil.
 189. Mohammad Siddiq Shir Gujri son of Qadir Shir Gujri resident of Koil.
 190. Mahda Hajam son of Rahim Hajam resident of Koil.
 191. Fayaz Ahmad Bhat son of Mohammad Maqbool Bhat resident of Muqam (Koil).
 192. Abdul Hamid Shah son of Ghulam Nabi Shah resident of Muqam (Koil).
 193. Mohammad Amin Shah son of Abdul Gani Shah resident of Muqam (Koil).
 194. Abdul Ahad Chopan son of Kamal Chopan resident of Muqam (Koil).
 195. Mohammad Yasin Shah son of Yehya Shah resident of Muqam (Koil).
 196. Abdul Rashid Shah son of Zia-ud-Din Shah resident of Muqam (Koil).
 197. Ghulam Hassan Shah son of Yasin Shah resident of Muqam (Koil).
 198. Zahur Ahmad Shah son of Nazar Ahmad Shah resident of Muqam (Koil).
 199. Rahman Shir Gujri son of Qadir Shir Gujri resident of Muqam (Koil).
 200. Ghulam Mohammad Shah son of Ahad Shah resident of Muqam (Koil).
 201. Fayaz Ahmad Shah son of Abdul Rashid Shah resident of Muqam (Koil).
 202. Abdul Majid Shah son of Assad Shah resident of Muqam (Koil).
 203. Mohammad Yousuf Shah son of Gula Shah resident of Muqam (Koil).
 204. Ajaz Ahmad son of Mohammad Yousuf shah resident of Muqam (Koil).
 205. Mohammad Shafi son of Mohammad Yasin resident of Muqam (Koil).
 206. Nasir Ahmad son of Mohammad Yousuf resident of Muqam (Koil).
 207. Reyaz Ahmad Shah son of Abdul Gani Shah resident of Muqam (Koil).
 208. Ghulam Nabi son of Ghulam Mohammad Shah resident

- of Muqam (Koil).
209. Nizam-ud-Din son of Mohammad Yousuf resident of Muqam (Koil).
 210. Basir Ahmad Shah son of Nizam-ud-Din Shah resident of Muqam (Koil).
 211. Ghulam Rasool Shah son of Ghulam Hassan Shah resident of Muqam (Koil).
 212. Hilal Ahmad Shah son of Mohammad Akbar Shah resident of Muqam (Koil).
 213. Bilal Ahmad Shah son of Mohammad Akbar Shah resident of Muqam (Koil).
 214. Mohammad Bashir son of Wali Rahman resident of Muqam (Koil).
 215. Bashir Ahmad Shah son of Noor Mohammad Shah resident of Muqam.
 216. Jumma Shir Gujri son of Qadir Shir Gujri resident of Muqam (Koil).
 217. Mohammad Siddiq Shah son of Ghulam Rasool Shah resident of Muqam (Koil).
 218. Bahar Khanday son of Ramzan Khanday resident of Ashtengu.
 219. Manzoor Khanday son of Ramzan Khanday resident of Ashtengu.
 220. Nazir Ahmad Matahanji son of Ahmad Joo Matahanji resident of Ashtengu.
 221. Ghulam Hassan Khanday son of Shaban Khanday resident of Ashtengu.
 222. Karim Khanday son of Sultan Khanday resident of Ashtengu.
 223. Mohammad Akbar Sheikh son of Gani Sheikh resident of Ashtengu.
 224. Mohammad Maqbul Sheikh son of Jamal Sheikh resident of Ashtengu.
 225. Ajaz Ahmad Haji son of Ghulam Ahmad Haji resident of Ashtengu.
 226. Farooq Ahmad Bhat son of Subhan Bhat resident of Ashtengu.
 227. Hafiz Ullah Sheikh son of Mahda Sheikh resident of Ashtengu.
 228. Ashraf Gujri son of Reshi Gujri resident of Ashtengu.
 229. Mohammad Yousuf Sheikh son of Gani Sheikh resident of Ashtengu.
 230. Sana Ullah Sheikh son of Gani Sheikh resident of Ashtengu.
 231. Nazir Ahmad Sheikh son of Gani Sheikh resident of Ashtengu.
 232. Abdul Rashid Lone son of Aziz Lone resident of Ashtengu.
 233. Zahur Ahmad Lone son of Aziz Lone resident of Ashtengu.
 234. Ghulam Mohi-ud-Din Sofi son of Abdullah Sofi resident of Ashtengu.
 235. Abdul Hamid Sheikh son of Gula Sheikh resident of Ashtengu.
 236. Hassan Najar son of Ahad Najar resident of Ashtengu.
 237. Bashir Rather son of Mohammad Rather resident of Ashtengu.
 238. Ashraf Wani son of Karim Wani resident of Ashtengu.

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239. Noor Mohammad Piswal son of Din Mohammad Piswal resident of Ashtengu.
240. Ramzan Bhat son of Sultan Bhat resident of Ashtengu.
241. Farooq Ahmad Lone son of Shaban Lone resident of Ashtengu.
242. Ghulam Mohammad Lone son of Kamal Lone resident of Ashtengu.
243. Ramzan Dar son of Wahab Dar resident of Ashtengu.
244. Gulla Shalla son of Mohammad Shalla resident of Ashtengu.
245. Aziz Dar son of Akbar Dar resident of Ashtengu.
246. Nabir son of Ahad Dar resident of Ashtengu.
247. Mansoor Parray son of Khazir Parray resident of Ashtengu.
248. Javid Ahmad Lone son of Habib Ullah Lone resident of Ashtengu.
249. Mohammad Ayub Lone son of Mohammad Yousuf Lone resident of Ashtengu.
250. Ashaq Hussan son of Akbar Sheikh resident of Ashtengu.
251. Ghulam Rasool Soofi son of Karim Soofi resident of Ashtengu.
252. Mohammad Yousuf Sheikh son of Ghulam Ahmad Sheikh resident of Ashtengu.
253. Abdul Rahman Sheikh son of Mukhta Sheikh resident of Ashtengu.
254. Farooq Ahmad son-in-law of Lassi Pandit resident of Ashtengu.
255. Ramzan Sheikh son of Habib Sheikh resident of Ashtengu.
256. Shulam Mohi-ud-Din Sheikh son of Abdul Gani Sheikh resident of Ashtengu.
257. Mohammad Maqbool Parray son of Khazir Parray resident of Ashtengu.
258. Abdul Majid Lone son of Ghulam Hassan Lone resident of Onagam.
259. Ghulam Rasool Beg son of Abdul Ahad Beg resident of Onagam.
260. Abdul Rashid Hajam son of Mohammad Abdullah resident of Onagam.
261. Mohammad Shafi Shah son of Abdul Ahad Shah resident of Onagam.
262. Ghulam Rasool Wani son of Haji Abdul Ahad resident of Onagam.
263. Mohammad Shafi Gani resident of Onagam.
264. Mohammad Shafi Mir son of Ghulam Ahmad Mir resident of Onagam.
265. Mohammad Muzaffar Malik son of Mohammad Abdullah resident of Onagam.
266. Mohammad Ahmad Mir son of Abdul Jabbar resident of Onagam.
267. Ghulam Qadir Khoja son of Abdul Samad Khoja resident of Onagam.
268. Ghulam Mohi-ud-Din Ganai son of Mohammad Ahsan Ganai resident of Onagam.
269. Farooq Ahmad Ganai son of Khaliq Ganai resident of Onagam.
270. Fayaz Ahmad Shah son of Mohammad Yaseen Shah resident of Onagam.
271. Ali Mohammad Mir son of Mohammad Sultan Mir resident of Onagam.
272. Mohammad Syed Shah son of Shah Mohammad resident of Onagam.
273. Mohammad Syed Zargar son of Gh. Mohammad Zargar resident of Onagam.
274. Jalal-ud-Din Zargar son of Gh. Mohammad Zargar resident of Onagam.
275. Mushtaq Ahmad Zargar son of Ghulam Ahmad Zargar resident of Onagam.
276. Farooq Ahmad Najar son of Gh. Mohammad Najar resident of Onagam.
277. Bashir Ahmad Najar son of Khazir resident of Onagam.
278. Ghulam Mohi-ud-Din Ganai son of Sana Ullah Ganai resident of Onagam.
279. Ali Mohammad Bhat son of Gh. Mohammad Bhat resident of Onagam.
280. Gulzar Ahmad Mir son of Khaliq Mir resident of Kunis.
281. Mumtaz Ahmad Mir son of Ali Mohammad Mir resident of Kunis.
282. Bashir Ahmad Lone son of Gani Lone resident of Kunis.
283. Abdul Majid Reshi son-in-law Sultan Tantary resident of Kunis.
284. Bahar Ahmad Tantary son of Gh. Ahmad Tantary resident of Kunis.
285. Abdul Rahim Tantary son of Jamal Tantary resident of Kunis.
286. Abdul Haq son of Sattar Din Gujjar resident of Kunis.
287. Manzoor Ahmed Shah son of Maqbool Shah resident of Kunis.
288. Bashir Ahmad Mir son of Ramzan Mir resident of Kunis.
289. Ghulam Ahmad Mir son of Ghulam Mohammad Mir resident of Kunis.
290. Ghulam Mohammad Tantary son of Ahad Tantary resident of Kunis.
291. Ghulam Ahmad Mir son of Sultan Mir resident of Kunis.
292. Mohammad Yousuf Mir son of Ahmad Mir resident of Kunis.
293. Nazir Ahmad Wani son of Ahmad Wani resident of Kunis.
294. Mohammad Yasin Lone son of Sattar Lone resident of Kunis.
295. Wahab Lone son of Ramzan Lone resident of Kunis.
296. Mohammad Azim Shah son of Subhan Shah resident of Kunis.

297. Ali Mohammad Mir son of Ismail Mir resident of Kunis.
298. Farooq Ahmad Lone son of Wali Lone resident of Kunis.
299. Ghulam Mohi-id-Din Mir son of Mohammad Mir resident of Kunis.
300. Ghulam Qadir Lone son of Mohammad Lone resident of Kunis.
301. Gula Dar son of Ahad Dar resident of Kunis.
302. Mohammad Lone son of Khaliq Lone resident of Kunis.
303. Qadir Lone son of Sultan Lone resident of Kunis.
304. Riyaz Ahmad son of Asghar Shah resident of Kunis.
305. Shahzada Saleem son of Murad Ahmad Shah resident of Kunis.
306. Riyaz Ahmad Lone son of Ghulam Ahmad Lone resident of Kunis.
307. Mohammad Anwar Malik son of Ghulam Mohammad Malik resident of Kunis.
308. Mohammad Kamal Mir son of Assad Mir resident of Kunis.
309. Mohammad Ashraf Reshi son of Samad Reshi resident of Kunis.
310. Gani Hajam son of Samad Hajam resident of Kunis.
311. Gulla Lone son of Razaq Lone resident of Kunis.
312. Yousuf Mir son of Sharif Mir resident of Kunis.
313. Ghulam Nabi son of Jumma Khan resident of Ketsan.
314. Mohammad Abdullah son of Mir Mohammad resident of Himatpora.
315. Shah Nawaz son of Abdul Ahad Khan resident of Panzigam.
316. Mohammad Amin Khan son of Dilawar Khan resident of Panzigam.
317. Zahoor Ahmad son of Wali Mohammad resident of Panzigam.
318. Mohammad Sadiq son of Abdul Ahad Khan resident of Panzigam.

(Note: The list does not include the tortured guests)

Annexure "C"

Indiscriminate firing and resultant casualties

(i) Deaths:

1. Nisar Ahmad Khan son of Mohammad Afzal Khan resident of Kalusa.
2. Miraj-ud-Din Sofi son of Abdul Gani Sofi resident of Mala Bagh Hazratbal.
3. Kalu son of Sharif-ud-Din resident of Ketsan, Binlipora.
4. Mohammad Abdullah Sofi son of Ali Sofi resident of Ashtengu.
 5. Mumtaz Ahmad Mir son of Ghulam Ahmad Mir resident of Ashtengu.
 6. Bashir Ahmad Najar alias Majid Kashmiri resident of Baramulla.
 7. Bashir Ahmad Shah son of Mohammad Yousuf Shah resident of Muqam (Koil).
 8. Baz Mohammad son of Haidar Khan resident of Ketsan.

(ii) Injured:

1. Shafiqa Banu daughter of Abdul Khaliq resident of Kunis.
2. Farooq Ahmad Mir son of Ghulam Ahmad Mir resident of Malangam.
3. Ghulam Mohammad Sheikh son of Abdul Gaffar Sheikh resident of Malangam.
4. Ghulam Hassan Shah son of Ghulam Mohi-ud-Din Shah resident of Muqam Koil.
5. Abdul Latif son of Mahawali Gujjar resident of Muqam Koil.

Annexure "D"

Terrorisation and Resultant Deaths

1. Sarwa wife of Ghulam-ud-Din resident of Ashtengu.
2. Maima daughter of Jamal-ud-Din resident of Hilmatpora, Bandipore Tehsil.
(Note: Both died of heart-failure).

Annexure "E"

Loot and damage of property

Sufferers:

1. Abdul Rahman Bhat (Kana) resident of Aloosa.
2. Samad Dar son of Mohammad Dar resident of Aloosa.
3. Rahman Hajam son of Aziz Hajam resident of Aloosa.
4. Ahmad Hajam son of Aziz Hajam resident of Aloosa.
5. Khaliq Hajam son of Aziz Hajam resident of Aloosa.
6. Haji Ahmad Dar son of Gani Dar resident of Aloosa.
7. Gani Dar son of Assad Dar resident of Aloosa.
8. Mahda Dar son of Nabir Dar resident of Aloosa.
9. Saida widow of Jabbar Dar resident of Aloosa.
10. Mohammad Hussain Bhat (Kabu) resident of Aloosa.
11. Mohammad Ramzan Masroor resident of Aloosa.
12. Noor-ud-din Katan son of Umar Din resident of Dangar Nar.
13. Bashir Ahmad Bhat son of Fateh Bhat resident of Aloosa.
14. Ghulam Mohi-ud-Din Ganai son of Ahmad Ganai resident of Aloosa.
15. Syed Amir Shah son of Naga Baji resident of Malangam.
16. Abdul Khaliq Zargar son of Ali Mohammad Zargar resident of Malangam.
17. Zeba widow of Wali Bhat resident of Aloosa.
18. Amina wife of Bashir Ahmad Bhat resident of Aloosa.
19. Mohammad Sarwar son of Ghulam Qadir Sheikh resident of Muqam (Koil).
20. Zia wife of Habib Ullah Shah resident of Malangam.
21. Mugli wife of Habib Ullah Mir resident of Malangam.
22. Fata wife of Ghulam Mohammad Bhat resident of Malangam.
23. Abdul Rashid Gujjar son of Mohammad Abdullah Gujjar resident of Malangam.
24. Ramzan Ganai son of Ahad Ganai resident of Aloosa.
25. Abdul Ahad Bhat son of Rahman Bhat (Khosa) resident of Aloosa.
26. Fateh Kumar son of Mohammad Kumar resident of Aloosa.
27. Ghulam Hassan Bhat son of Abdul Ahad Bhat resident of Aloosa.
28. Sana Ullah Bhat son of Ahad Bhat resident of Aloosa.
29. Gani Bhat son of Rahman Bhat resident of Aloosa.
30. Mohammad Bhat son of Sultan Bhat resident of Aloosa.
31. Mohammad Ramzan Bhat Shopkeeper resident of Aloosa.
32. Mukhta Bhat shopkeeper resident of Aloosa.
33. Kamal Ganai son of Gaffar resident of Aloosa.
34. Lal Din son of Fazal Din resident of Chontiwari.
35. Rashid Bhat son of Wali Bhat resident of Aloosa.

Annexure "F"

Arrested but whose whereabouts are not known

1. Mohammad Amin Shah son of Mohammad Yousuf Shah resident of Aloosa.
2. Bashir Ahmad Bhat son of Rahman Bhat resident of Aloosa.
3. Alauddin son of Bagga Gujjar resident of Chontiwari Binlipora.
4. Mian Sarafraz son of Mian Shah Gul resident of Chontiwari Binlipora.
5. Abdul Rashid Bhat son of Lassi Bhat resident of Malangam.
6. Mohammad Afzal Zargar son of Abdul Khaliq Zargar resident of Malangam.
7. Zahur Ahmad Bhat son of Abdul Khaliq Bhat resident of Aloosa.
8. Mohammad Amin Mir son of Ramzan Mir resident of Aloosa.
9. Mohammad Hussain Gujjar son of Mam Din Gujjar resident of Binlipora.
10. Abdul Rahman Gujjar son of Bakshi Gujjar resident of Ketsan Binlipora.
11. Mehraj-ud-Din son of Mohammad Amin Peerzada resident of Baramulla.
12. Habib Ullah Chopan son of Ghulam Mohammad Chopan resident of Malangam. (20-4-1990).
13. Mohammad Iqbal Tandoli son of Phoola Din resident of Malangam (29.1.1991).
14. Javid Ahmad Wani son of Abdul Rashid Wani resident of Onagam. (13.9.1991).
15. Mushtaq Ahmad Malik son of Abdullah Malik resident of Onagam (14.9.1991).
16. Reyaz Ahmad Rehmani son of Mohammad Amin Rehmani resident of Onagam (13.9.1991).
17. Tahseen Farooq son of Mohammad Farooq Rehmani resident of Onagam. (14.9.1991).

Note: Nos. 1 to 11 have been arrested during the recent crackdown while Nos. 12 to 17 have been arrested on the dates shown against each.

The kidnapping and release of Romanian diplomat, Liviu Radu

An IHRO Watch
November 1991

The Punjab Human Rights Organisation (PHRO). The Governing Council of the organisation at a meeting held at its headquarters, Ludhiana had decided to change the name of the organisation to INTERNATIONAL HUMAN RIGHTS ORGANISATION (IHRO) because of its growing stature in the international community and world-wide activities of its chapters.

Therefore, the organisation (erstwhile) known as Punjab Human Rights Organisation, PHRO) would hereinafter be called International Human Rights Organisation (IHRO). On November 29, 1991, members of the British House of Parliament discussed the current situation of Sikhs in Punjab. The debate was initiated by Terry Dicks.

Terry Dicks again lambasted India

Terry Dicks: I want to mention yet again in the House the persecution of Sikhs in the Punjab. Sikhs throughout the world have been concerned for the safety to family and friends living in the Punjab. The rape of young women, the beating of old men and the murder of young boys, to say nothing of the imprisonment without trial of many thousands of innocent people has been going on since 1984 and continues unabated. Indian security forces are killing hundreds of innocent Sikhs in faked encounters and there is evidence that those forces have swept through villages in the Punjab intent on nothing less than widespread slaughter.

All those activities are taking place under the umbrella of President's rule, which in effect means direct rule from Delhi. That regime gives the security forces the unfettered power to take whatever action they wish against people living in the state of Punjab. Investigations into allegations of police torture are rare. When such allegations have been established, prosecutions have not taken place. According to Amnesty International, no police officer has ever been convicted of committing human rights violations in the Punjab.

Legal safeguards for the protection of human rights do not apply to those arrested under special legislation relating to national security. Detainees in the Punjab are arrested under the Terrorist and Disruptive Activities (Prevention) Act (TADA), which allows detention without trial for a year, the burden of proof being placed on the accused to prove his innocence.

The legislation imposes a minimum of five years imprisonment on anyone convicted of terrorist or disruptive activities. Disruptive activities (according to the way TADA is enforced) include the peaceful expression of views, which question the sovereignty or territorial integrity of India or support any claim for independence.

The Indian Government is conducting a similar campaign of oppression against the Muslim community in the part of Kashmir occupied illegally by Indian security forces. The legitimate call by Muslims living in Kashmir for self-determination is being denied with a brutality that should be condemned by the civilised world.

Indian democracy, a farce

Parliament has refused to condemn atrocities carried out by the Indian Government, no matter how well documented they are by Amnesty International - the Government, because of its friendship with India as a Commonwealth country, and the labour party, because of its close relationship with the Indian Congress Party and the Gandhi family in particular. Actions of this kind, condemned elsewhere, have been ignored in India.

Successive Indian Governments either under the control or influence of the Congress party claimed for themselves the role of governing the world's largest democracy. Unfortunately, many Governments around the world seem prepared to accept the claim. It is far easier to accept the mask worn by the Indian Government as the true face of India today than to ask awkward

questions about the plight of many thousands of Indian citizens who seek nothing more than to have their rights and religion recognised. To quote an old adage, there are none so blind as those who will not see.

How can Governments who went to war to defend the rights of the Kuwaitis in their own country, refuse to bring pressure on the Indian Government to recognise the rights of the Sikhs in the Punjab. Are the Kuwaitis more important than the Sikhs? Alternatively, can it be that much of the world's oil comes from the Middle East but only the food that feeds millions of hungry mouths in India is produced in the Punjab? That may be a cynical question, but it demands an answer.

As I have often said, the British Government has a unique responsibility in this matter. In 1947, when India obtained its independence, it was the British who accepted a guarantee by the Hindus, who make up 84% of the population, that the self-determination of the Sikhs in the Punjab would be recognised. On that basis, the British Government granted India its independence. Unfortunately for the Sikhs, the British Government has done nothing to enforce the guarantee and successive Congress party dominated Indian Governments have been able to ignore the pledge.

Self-determination, a must for the Sikhs

The refusal of the Indian Government, aided and abetted by Britain, to keep their word has led the Sikh people to call for their own independent state. Unfortunately, as happens in many groups, some extremists have used the situation for their own ends. Their approach has enabled the Indian Government to confuse the situation and give the impression that their flight in the Punjab against a handful of terrorists is, in reality, a fight for democracy against anarchy. Nothing could be further from the truth.

The majority of Sikhs, both inside and outside India, is opposed to violence in any form and wants through the democratic process only that to which they feel they were entitled, namely self-determination. What they were guaranteed in 1947, they must be entitled to some 44 years later and the Indian Government would do well to recognise that fact.

What the Sikhs want now, above all, is for the rest of the world to recognise the suffering that they have to endure in their own country. They would like to see pressure brought to bear upon the Indian Government to bring an end to this oppression. The abuse of human rights cannot be condoned, no matter whether it takes place in a Middle Eastern country or a country that belongs to the Commonwealth. Nor can the actions of a handful of extremists be used as an excuse for the oppression of a religious minority in the name of democracy.

The concept of good government has now been introduced in relation to the British aid programme. As I understand it, from now on only those governments who recognise basic human rights and allow freedom of speech in democratic setting, will qualify for aid. I hope that this new approach will be brought firmly to the attention of the Indian Government who at the present receives more than 100 million British pounds annually in overseas aid.

No aid to India, please !

If the British Government were to take a tough stand on the abuse of human rights in India and persuade the Indian Government to recognise the right of the Sikhs in the Punjab, I feel certain that the majority of Sikhs throughout the world would be prepared to renounce violence as a method of achieving their objective of self-determination and would welcome the opportunity to meet with anyone in an international forum in an attempt to come to peaceful settlement of the problem.

Tristan Garel-Jones: There can be no dispute about the Government's attachment to that principle (the renouncing of violence) and the fact that serious abuses of human rights, such as summary execution, arbitrary imprisonment and torture, whatever they may occur, all deserve and obtain the repudiation of the House. Honourable Members can rest assured that the British Government will continue to press for the strongest respect for human rights throughout the world. The House and the British people expect nothing less from us.

My honourable Friends will understand, however, that we must judge carefully just how much prominence to give to human rights issues in our relationships with other governments. Sometimes, with a friendly Government, that makes for hard choice. If we had dealings only with countries with impeccable human rights records, our influence in the world would be significantly reduced, and there would almost certainly be a consequent loss of jobs in this country.

An important element in Britain's excellent bilateral relations with India is the many contracts at all levels between our two countries. There are about 800,000 people of Indian origin in this country and they play a vital part in that relationship. The Sikhs, many of whom live in the British constituencies are the largest group among them, totalling about 300 000 people.

The Asian community in Britain makes an important and much valued contribution to many aspects of our national life, as I know from my constituency, and the vast majority of them are industrious and law-abiding and are increasingly making, as we can say from our experience in all of our constituencies, a significant and increasingly important contribution to the life of the country.

India rejects aid linkage

Meanwhile, India's Prime Minister Narsimha Rao "rejected" linkage between human rights and foreign aid at the conference of the commonwealth heads of State held at Harare by citing a perverse argument that countries not receiving aid are not free to violate human rights of their subjects. While Great Britain and Canada deserved appreciation for raising the issue at such a prestigious forum as Commonwealth Summit, one wishes that the two countries had been more forthcoming on the plight of Indian minorities. Vague references to linkage provided no relief to the victims of Indian State's policies and practices. Both UK and Canada appeared to be trying to score a point vis-à-vis India rather than mean business. The two countries are known to have a soft corner for South Africa and its racist politics, which was on the agenda of the Harare summit. They appeared to be keen to persuade India as well as some anti-racist states to tone down their criticism of the South Africa regime. Otherwise, the two countries would have gone ahead with their commitment to human rights and straightway warned the countries like India to behave.

Just as South Africa's government sticks to its racist position despite pressure from the world community to abandon it, India is fast emerging as a country determined to violate human rights of its people. While the situation in South Africa may be on the amend, India is headed in opposite direction.

International Human Rights Organisation (erstwhile IHRO) had earlier urged Canada to restrict trade and cut back aid in order to put pressure on India to show greater respect for human rights.

D S Gill met a group of eight federal liberal members at a meeting chaired by Napean MP Beryl Gaffney, Mrs. Gaffney said on October 10, 1989 in an interview to Robert Matas of the Globe and Mail and added that "the Liberals do not want to be involved in the internal politics of a foreign country but are prepared to press the government on reports of human rights violations".

IHRO tells Canada to look beyond trade bids

Canada should tell India to show greater respect for human rights and its own laws protecting life and liberty in the state of Punjab, D S Gill said in an interview. "Punjab problem is not a law-and-order problem; it is a political problem" he said.

His group acknowledges an interest solely in human rights and declares no political platform. While in Toronto and Vancouver, Mr. Gill has met human rights activists who plan to distribute reports in Canada of human rights violations in Punjab and lobby for federal government support (The Globe and Mail: October 11, 1989).

The Sikh lawyer activist wants the federal government to look beyond Canada's economic ties to India and protest what he claims is the harsh repression of Sikhs in India's Punjab state, reported Bert Hill in the 'The Ottawa Citizen' on September 24, 1989.

"We need support from Canadians to help find a political solution to the problem in the Punjab. The solution must be based on the UN principles and international laws", said Mr. Gill.

He said the Canadian government has ignored the Punjab situation because it does not want to embarrass Canadian bids for rich contracts in India.

"They cry without any tears. Trade dollars always count before human rights, whether it is in China or the Punjab" (The Ottawa Citizens: Monday, September 25, 1989).

While speaking to the Liberal MPs, the party's human rights critics and the critics for External Affairs and Immigration in the House of Commons, Gill explained how Sikh youths are being killed in false encounters because of their political and religious beliefs. He told of the Sikhs who were opposed to the Rajiv-Longowal accord. Many were killed in judicial lock ups.

IHRO for Punjab political solution

The lawyer activist urged the parliamentarians to use their offices to find out a political solution to the Punjab problem which, he said, was not a law and order problem as is being wrongly projected by the Indian Government. MP David Walker assured the activist that the Liberal Party of Canada will look into the matters and do everything possible to stop the unspeakable atrocities. Human rights, he said, is not expendable and cannot be exchanged for favourable trade deals.

Gill was accompanied at the meeting by Canadian chapter secretary Nazar Singh Chahal (Deepak) and Alice Basarke, an executive director of the organisation from Ottawa (World Sikh News: September 28, 1989).

However, N K Joshi says that as long as the victims were blacks, yellows and Indian (West and East alike western) liberal conscience managed to forget the ideals. However, once the Nazis and Fascists heaped indignities on White, Anglo-Saxon and Nordic liberals, the necessity arose almost overnight.

Another British MP lashed out on India

Yet another British MP lashed out on India and warned Delhi which was trying to impose military solution in Punjab and Kashmir. Max Madden, a labour MP (Bradford West) spoke at the opening of the North American IHRO chapter's office at International Sikh Secretariat, Washington, DC. 'Very serious problems' were horrors perpetrated by the Indian security forces in Punjab and Kashmir, he said, "The barbarous way in which Sikh youths are being slaughtered has to be protested".

Max Madden, a member of the British Parliamentary Human Rights Group had introduced several resolutions and statements in the House of Commons, castigating Delhi for unleashing its security forces in Punjab and Kashmir. He acknowledged he had sneaked into Kashmir through Pakistan posing as tourist and was able to see the repression in Punjab and Kashmir first hand. He said that in both the states "no family has been left untouched" by atrocities committed by the Indian security forces.

He declared, "the people of Punjab and Kashmir should be given the right to determine their own future". He said it should be left up to the people what options they prefer: whether to "stay with India" and be afforded "greater autonomy" or become an entity of their own and "break away from Central rule" by Delhi. He said, "this freedom of choice is their birth right".

Madden promised that as soon as Labour Party captures power in Britain, "human rights and the rights of minorities in India will be a top priority in our international human rights agenda. He also briefed several members and staffers of the Congressional Human Rights Caucus about his trips to Punjab and Kashmir.

Dr. Rajwant Singh, president of the North American chapter of the IHRO, while thanking the British Parliamentarian for taking up the cause of Sikhs and Kashmiris, said this chapter will bring more awareness about the Punjab and Kashmir situation among the legislators, media and another human rights groups in this part of the world.

Over three thousand Sikh activists from USA, Canada and England particularly New York, New Jersey, Pennsylvania, Washington DC, Maryland, Virginia, California, Montreal, Ottawa, Toronto and Vancouver converged outside the United Nations headquarters, New York on November 12, 1991 to protest against the most brutal and unheard killings of innocent Sikh men, women and children in Punjab and other places in India. They demanded an end to the annihilation of Sikhs and violations of their human rights. A delegation of Sikh activists later handed over a memorandum to the UN Secretary General.

The Peaceful assembly was addressed among others by Professor Gurcharan Singh (New York), Dr. Rajwant Singh (Washington), Attorney Satjiwan Singh Khalsa (NY) and Manjit Singh (London), all IHRO activists, Dr. G S Aulakh (Council of Khalistan), Dr. Amarjit Singh (spokesman, Panthic Committee), Satinderpal Singh (Panthic Committee member), Inderjit Singh Bal (WSO, Canada), Dr. Jasdev Singh Rai (London), Tariq Sadar and Iftikhar Chaudhary (JKLF).

Withdraw occupation forces, say Sikhs

The delegation in its memorandum sought the intervention of the UN to:

(a) Withdraw occupation forces (Army and its outfits) from the Sikh homeland (Punjab) and live up to the standard of civilised countries and respect political and religious beliefs as well as human rights of the Sikh people and the nation,

(b) stop the genocide of Sikhs, apprehend the criminals in uniform and permit international tribunals to enquire into barbarities committed against Sikhs,

(c) publish list of all the killed by the Indian security forces in the last ten years and pay reparations to the next of kin in the family and release all those Sikhs languishing in Indian jails.

(d) post UN observers in Punjab and allow an International Red Cross team to monitor and help victims of the undeclared war by the Indian government on Sikhs and

(e) link international financial help (to India) to human rights conditions in India (WSN: November 22, 1991).

Back home. The Times of India's Chandigarh correspondent, Dinesh Kumar, quoted "highly placed sources" in Punjab government to suggest that Ropar police chief, Mohammad Mustafa, had sent a confidential letter to Punjab Director General, Police, D S Mangat, early September alleging that Chandigarh SSP, Sumedh Saini had dispatched three jeep-loads of plain-clothed-men of the Chandigarh police to Babbar Khalsa activist Balwinder Singh's village, Jattana, on the night of August 29, 1991. They killed Balwinder Singh's grandmother Dwarki Devi (80), maternal Aunt Jasmer Kaur (50), her daughter Manprit Kaur (15) and his polio infected Cousin Simranjit Singh 95), and departed after setting the bodies on fire.

Several Sikh organisations had pointed an accusing finger at the Chandigarh SSP for his hand in the cold-blooded murders. The Jattana incident took place within 24 hours of a bomb blast in Chandigarh in which Saini escaped with minor injuries.

Police kill militants' relations in retaliation

According to the Times of India's report, Saini's suspicion was that Balwinder Singh was behind the attack on him at Chandigarh and the former ordered the killings at Jatana, in retaliation. The Ropar police reportedly intercepted the three jeeps thrice while these were on way to Jattana and back, Mustafa was even quoted as warning that militants might start killing the innocent relations of police officers for which Saini should be held responsible.

Mustafa also reportedly recorded another incident in which the Chandigarh police killed a Sikh youth of Mohali, Parminder Singh, and threw his body into neighbouring Ropar district. Parminder Singh was in the custody of the Chandigarh police. Saini then telephoned Mustafa asking him to "own" Parminder Singh's killing. However, Mustafa refused to oblige the Chandigarh police chief.

Mustafa's letter came as a bombshell in political circles. There were hectic consultations on what should be done, because it clearly exposed the police officers' hand in numerous crimes. Inevitably, a criminal case against Saini and his subordinates could not be postponed. Then the authorities acted fast to send out information to the Punjab DGP to "set the record straight" so that police was not demoralised. Consequently, the Punjab police issued a contradiction to the Press denying the existence of the Mustafa's letter as "unsubstantiated and based on rumours".

The result was that Mustafa was punished for exposing Saini. He was thrown out of the post and transferred to a relatively unimportant position as Commandant, PAP, Bahadurgarh. It is significant to note that the powers that be did not allow any police officer in Punjab to stay in an important position if he did not carry out the wishes of Delhi to bump off Sikh youths in an extrajudicial manner. However, those who willingly carried out the executions were handsomely rewarded with cash, medals and promotions.

Sikh IAS officer's son killed in custody

In October, Saini said that the police had definite clue that the bomb blast in sector 17, Chandigarh, in which he was injured, was the handiwork of the Khalistan Liberation Force. The police stated the Balwant Singh, an engineer of Chandigarh, was taken into custody by the Punjab police. He was taken out of police station when he complained of stomachache. However, said the police, he "escaped", from the custody. In other words, Balwant Singh had been killed and his body, too, had been disposed of somewhere.

Balwant Singh was the son of senior Sikh IAS officer of Punjab, Multani. He was killed in custody for his alleged involvement in the car bomb blast attack on the Chandigarh SSP, Saini.

SSP Saini slapped Delhi police inspector

Saini reportedly slapped a Delhi Police Inspector when he showed reluctance to obey his orders. Saini rudely asked the inspector, who headed a police station at Delhi, to clean a Sikh youth as he was profusely bleeding after torture by Saini's men in the Red Fort interrogation cell of the Indian Intelligence Bureau where the questioning of a Sikh activist, allegedly involved in the Radu abduction case, was being done. Saini held all activists of the KLF responsible for the attack on him at Chandigarh.

The inspector replied that it was not his job to clean the suspect. Evidently, the Sikh youth was so severely tortured that he lost control of his limbs and could not clean himself. The inspector's reply enraged Saini and he slapped the inspector for his "defiance". However, the Delhi police official reciprocated with a counter-slap to Saini's face. Saini's men then pounced upon the police inspector and thoroughly roughed him up. The inspector sustained bruises all over. A Delhi police ASI rushed to telephone senior Delhi officers to tell them of the incident, but to no avail.

No action against Saini

Saini was known to be one of the blue boys of Prime Minister's house. His actions were upheld by Rao and his close civil and police officers even when Saini was in conflict with as senior a person as the governor of Punjab. A complaint was made by the Ropar district police chief against the illegal and highhanded activities of Saini to the Punjab Governor but the latter could not act against Saini.

The tortured youth was Dr. Hari Singh Khalsa, Lt. General of the KLF led by Budhsinghwala who was said to be the brain behind the kidnapping of the Romanian diplomat, Liviu Radu. He was apprehended from Jahangirpuri on the basis of secret information provided to the police about his movement, according to a national daily, The Times of India (November 12, 1991).

Khalsa, according to the Times of India's report, revealed during interrogation that their prime target was J F Rebeiro, Indian ambassador to Romania. He said the attack on Rebeiro in Jalandhar in 1986, when he was the state police chief, was also be handiwork of his group. Rebeiro had escaped unhurt by ducking under a table. Khalsa also revealed that about 10 persons took part in the abduction on October 9 in the capital. One of them, Dev Pal Singh, died in the shoot-out in Cannught Place on October 9 in the Cannught Place on October 16. He and the

group leader, Manjinder Singh Issi alias Comrade, and two others actually took part in the kidnapping at Jor Bagh where Radu lived.

Dev Pal was shot at, police claim a lie

Dev Pal Singh, 28, involved in the Radu case and trapped in the Cannought Place encounter, had actually been killed in police hands by a shot fired from an assistant sub-inspector's revolver, and not by consuming cyanide as the police had claimed.

This was revealed by the viscera report. A departmental inquiry also established that the fatal bullet was shot by an assistant sub-inspector.

Acting on a tip-off from the Intelligence Bureau (IB), a raiding party of the Delhi police's special branch was sent to Cannought Place where Dev Pal was making a call on October 16. Dev Pal panicked on spotting it and fled. He was given a hot chase. The armed militant shot in the air while fleeing and tried to get hold of a scooter near the 'Statesman' building. According to the investigation, the scooterist, who resisted, was fired on by the militant. However, he was overpowered by a crowd that had gathered there.

Meanwhile, the police also arrived. A sub-inspector tried to grapple with the militant and in the process his revolver fell. Dev Pal's revolver too, fell in the melee. An assistant sub-inspector shot at Dev Pal's hand and buttock to make him immobile, despite his being at the full mercy of the police.

The report revealed that another assistant sub-inspector apparently in a rush of blood shot Dev Pal in the chest from point blank range when he was being bundled into the police vehicle.

Local media had exposed the police lapse soon after the incident. However, it was hotly disputed by the police chief. Arun Bhagat. He had maintained that Dev Pal was seen taking out something from his pocket and swallowing and that the autopsy had shown signs of poison.

Dev Pal had died an hour after the incident in Lohia Hospital. He was doing M. Tech in the Patiala Engineering College.

The responsibility for the daring and meticulously planned kidnapping of the diplomat was owned by Gurjant Singh Budhsinghwal, chief of the Khalistan Liberation Force, a component of alliance of four militant groups working under the direction of Panthic Committee associated with Dr. Sohan Singh, Daljit Singh and others. They demanded the release of Harjinder Singh Jinda, Sukhdev Singh Sukha and Nirmal Singh arrested by India about the assassination of former Indian Chief of the Army Staff, General A S Vaidya.

Romania diplomat Radu abducted

The Indian Home Minister S B Chavan rejected the demand and categorically stated that they will not set free the three men undergoing imprisonment in the case.

Caterina Radu, wife of the abducted diplomat, on October 13, convened a Press conference at her 144, Jor Bagh residence and accused the Indian government of not doing enough to secure the release of their husband. She appealed to the government to concede the militants demands, asserting that it would not be the first time when India would do that.

She said she had every reason to believe that if the Charge D' Affairs of the USA or Britain had been kidnapped, the response of the Indian Government would have been far greater. She repeatedly asserted that India had a tradition of meeting the captor's demands for releasing their hostages. 'Have not they (the Indian government) released scores of people in Assam and Kashmir? Then why should they not release the people named by my husband's captors', she said. Besides, the abductors had demanded freedom for the two militants lodged in the Romania jail on charges of attacking the Indian envoy J F Rebeiro on August 20, 1991, Mrs. Radu said (UNI: New Delhi, October 13), Mrs. Radu categorically said that the Indian government was not moving fast and appealed for an effective solution, other than the police action. She opined that the Romania government would not hesitate in releasing the two jailed Sikh militants in Romania if it could lead to her husband's release.

Mrs. Radu preferred political settlement

She appealed to all foreign missions in New Delhi and elsewhere and to public opinion worldwide to act and persuade both the Indian authorities and the militants that everything should be done for the immediate release of her husband.

Even as the deadline set by the abductors on the life of Radu had passed, the Punjab police continued kidnapping kith and kin of KLF activists to put pressure on them to secure the safe release of the diplomat.

The IHRO condemned the counter-kidnappings by the police. According to IHRO, the Jalandhar police, instead of setting free the illegally detained Kulwant Kaur, sister of Dr. Pritam Singh Sekhon (Lt. General, KLF), and her eight-month-old son, had sealed her husband's D S Trading Co dealing in tractor parts at BMC Chowk, Jalandhar and picked up an employee from there in absence of her husband.

The police did not relent there; they broke open the house of Dr. Sekhon's sister Karamjit Kaur in Model Town, Jalandhar. The police picked up about 200 relations of militants including that of Budhsinghwal.

IHRO Chairman D S Gill, in a statement, issued an appeal to the militants to keep utmost care of the health of the envoy because he was a heart patient and asked the Indian Government to desist from any police action which may have "dangerous consequences" (The Hindustan Times, October 16, 1991).

In the meantime, the IHRO wrote a Romania Embassy in Delhi and Mrs. Radu, intimating its concern to secure the safe release of Radu. The Embassy, responding to the letter, issued a press statement, which was carried out by a section of the national print media. "Romania will provide a fair trial to the arrested Sikhs in Bucharest unhindered by the abduction of its senior diplomat, Liviu Radu, in India", a Romania Embassy spokesperson said. He ruled out handing over the militants to New Delhi, saying that Romania government was ready to provide the services of a defence counsel at its cost for defending the militants. He also said the London chapter of defending the militants. He also said the London chapter of the IHRO had already sent some members to Bucharest for this purpose.

The militants, on the other hand, were negotiating with the Romanian government authorities through the British chapter of IHRO. The two major demands of the militants were said to be to seek the release of Sikh youths arrested in Romania about the attack on J F Rebeiro and latter's expulsion from that country on ground of his being a "war criminal". As for the release of Harjinder Singh Jinda and others, the militants were said to be of the view that they would deal with this issue "separately" as the dispute was with India and not Romania (World Sikh News, November 8-15, 1991).

IHRO's intervention in the Radu case

The IHRO from its headquarters urged the Romanian Government to review its stand vis-à-vis the Indian ambassador J F Rebeiro in Bucharest and the arrests of the two Sikh youths there.

"Mere assurances of fair trial and the refusal not to extradite the detained Sikh activists to India will go waste, if there "efforts" are aimed at securing the release of Mr. Radu", it said.

IHRO added "while no pre-conditions have publicly been set by the KLF leadership to the Romanian Government for the release of Mr. Radu, it is the duty of Bucharest to boldly review its stand. J F Rebeiro should be declared personal non-grata. The two Sikh activists should be released and allowed to go to a country of their choice".

Demanding Rebeiro's expulsion from Romania on the ground of his being a "war criminal", the IHRO said the Romanian Government had accepted his credentials as India's ambassador knowing full well that he was responsible for killing hundreds of Sikh youths as DGP in Punjab in 1986-88.

"A few emotion-packed measures like fair trial etc. will go waste in case the Romanian Government did not send Rebeiro back and set free the detained Sikh youngmen" said the IHRO adding that "if the Romanian Government could prepare itself to do the needful on its part, we would appeal to the KLF chief to respond to the goodwill gesture shown by Bucharest" (The Tribune: November 19, 1991).

India blamed Pakistan for Radu's abduction

When the Romanian External affairs minister visited Delhi to plead for efforts at political level to secure Radu's release, the Indian government put the blame on Pakistan and asked the minister to approach Nawab Sharif for the purpose. Pakistan embassy on the other hand, twice in a fortnight, issued statements denying Pakistan's hand in the kidnapping.

In its last attempt, the Indian authorities, through media, planted a story accusing Daljit Singh, an active member of the Panthic committee and SSF chief, for the abduction. The Indian authorities and intelligence agencies could not be unaware of the fact that Daljit Singh was one of those militants who actually prevailed upon other militants to release Radu.

A few days before Radu was released, the Romanian embassy in London promised to honour the demands of the militants as far as their government was concerned. The militants finally set Radu free unconditionally on November 25 after 48 days of captivity.

Indian home minister S B Chavan, made it clear in the Parliament next morning that the government had not yielded to the militants' demands to secure the release of Radu. When Radu was asked by the media men to whom he was thankful for his release - the government, the police or the militants - he said "my family".

While announcing the release of Radu, the Panthic committee said it hoped that with the safe return of Radu "the Romanian Government will take due notice of the commitment to punishing the Government of India and its henchmen wherever they are" (PTI, Amritsar, November 22). However, the Romanian government did not keep its word. Neither the detained Sikhs were freed nor did the Romanian government send back Rebeiro after declaring him persona non-grate. However, they allowed the London chapter of the IHRO to provide legal aid to the youths facing trial in Bucharest.

Involved in the Bucharest attack were Jugral Singh (28) son of Harginder Singh of Smalsar village in Faridkot district, Jagwinder Singh (25) son of Dalip Singh of Rakba village in Ludhiana district and Pargat Singh (22) son of Sadhu Singh of Nijhran village in Jalandhar district of Punjab.

IHRO in Bucharest for legal aid

Jugraj Singh Smalsar, a close associate of Gurjant Singh Budhsinghwal and SSF (Daljit Singh) activist, was killed on the spot during the attack in an encounter with the Romanian security guards on August 20, 1991. Jagwinder Singh 'Bitta' Rakba was injured while Pargat Singh was apprehended on the spot. Both were taken into custody. They were tried in a military court headed by General Niester. They were represented in the court by Alexandru Vaarg, Ptarscue Adien and Barristers Harjit Singh, president and Maluk Singh Chuhan, vice-president of the IHRO, London. The Romanian government was represented by Major Basil Penti, Manjit Singh, IHRO Coordinator; London acted as an interpreter between the court and the two Sikh activists.

The military court on February 19, 1992 sentenced Pargat Singh and Jagwinder Singh for 10 and 8(1/2) years of imprisonment respectively, on their confessional statements before the court.

Rebeiro was hit in the hip and was hospitalised for 50 days in Bucharest. He was kept under observation in intensive care unit all the time. He recovered slowly but for the efficient medical treatment provided by the Romanian government.

"That the would-be killers from Punjab would go all the way to Romania to fulfil a mission of revenge shows the long arm of militants and also the determination to carry out dangerous missions without regard to consequences... Rebeiro's bullet-for-bullet policy in Punjab made him

a target of militant anger for a long time. In fact, he survived a more serious attempt at assassination on October 3, 1986, at the Punjab Armed Police headquarters at Jalandhar. Therefore, when he left Punjab, Romania was handpicked for him because it was widely held that the Communist countries of Eastern Europe were free from the scourge of terrorism. Such is the lethal reach of the Punjab militant that, from Lalit Maken and Arjun Das in Delhi to General Vaidya in Pune, many had to lose their lives to the bullets of militants seeking revenge... After almost a decade of the Punjab crisis, the government is no where near the realisation that the solution to the Punjab problem lies in minimising and eventually removing the causes that spur people to violence and increase the thirst for revenge. This cannot be done by the liquidation of the militant population or by passing draconian laws to postpone democracy and ban suspected separatists." (The Long Reach: The Tribune, August 23, 1991).

Rebeiro's outburst against IHRO

On the other hand, J F Rebeiro sharply reacted calling for a closer look into credentials of the UK-based IHRO chapter whom he described as "bunch of misguided lawyers, misleading terrorists".

Speaking to UNI at Bucharest, Rebeiro asked why these lawyers, if they are genuinely concerned about human rights, were interceding on behalf of those who were thirsty for his blood. The ambassador was all praise for the Romanian surgeon who operated on him with promptness, repairing a chipped pelvic bone with a skill that saved his life (Indian Express, March 2, 1992).

The IHRO headquarters took a serious note of Rebeiro's outbursts and said that his statement was born out of desperation of the former DGP, Punjab who was guilty-conscious of elimination of thousands of Sikh youths in faked encounters by the police under him and did not want those crimes to be made public. IHRO chairperson D S Gill called Rebeiro "a Satan quoting holy verses" to save his own skin. He said by using derogatory words, Rebeiro threw a challenge to the entire lawyers community and professional human rights activists providing legal aid to the state victims throughout the world (Indian Express, March 3, 1992).

Radu's release, a welcome step

The unconditional release of Radu was a welcome step, which showed that Sikh militants had a respect for world public opinion. Radu's own account of how he was treated by his abductors is indicative of the fact that the Sikh political movement was not all chaos as was sought to be made out by India. The KLF activists could fool the vast Indian security establishment by carrying Radu 300 kms away from the well-guarded national capital and keeping him incommunicado for 48 days speak volumes of the organisational skill and resourcefulness of the KLF and Panthic committee. However, abductions as a political means must never be done. The practice is rightly abhorred by the civilised world.

The Radu incident, however, served in a warning to countries not to accept the credentials of the bloodstained from India. Romania, too, should give no room to Rebeiro any further.

Indo-US shadow over Punjab

An IHRO Watch

December 1991

A US-based Newsweekly in its editorial says that global political scene has undergone fundamental changes as a result of the collapse of the Soviet State. Inevitably, the USA has emerged as the most decisive factor. Countries like India, which until yesterday were Moscow's clients, are falling at Washington's feet. This scenario cannot but have profound and immediate impact on the situation in Punjab and Kashmir. Pros and cons of the emerging order must, therefore, be assessed by Sikh and Muslim communities before the fast moving events overtake them.

Changing world order

Suddenly from nowhere, Kickleigher proposals have sprung up. India and the USA are talking in terms of a "new proximity." "Cooperation," "partnership" and even alliance are in the air. There

is said to be quit foreign policy in the making in New Delhi. New schemes are being drawn up to ensure naval cooperation between India and the USA. Sharing of post-Gulf war contracts is being talked about. A closer India-USA cooperation in the US is being mentioned. This "proximity" may even lead to India becoming a willing junior partner of Washington in Southeast Asia on certain conditions. It would like USA to ensure India's "unity and integrity". Delhi would also prefer Washington to accept India's nuclear status as a fait accompli.

Sikh and Muslim must take with a pinch of salt the American references to such concepts as "stability" and "democracy" in Southeast Asia. The plain meaning of Southeast Asian stability is the unending bondage of Kashmir and Punjab by India. Similarly, the meaning of "democracy" there is the glorification of India as the largest democracy in the world.

The pro-Washington coup in India's foreign policy is no longer being viewed as mere conjecture. The fast changing scenario has not even been denied in Delhi. In fact, the US administration and the Rao government of India are pushing ahead with new equations in the Indian sub-continent. India is getting big financial help from the US controlled IMF. On its part, Delhi is becoming even more ruthless in its handling of dissidence in Kashmir, Punjab and Assam. The Bush administration no longer appears concerned about the violation of human rights in India. Nor is it loosing sleep over India's uninterrupted nuclear programme. A quiet, new dimension is being added to India's internal politics. The aim appears to be to refashion political alignment in perfect tune with India's new foreign policy strategy.

Alignment and realignment in south-east Asia

The new equation has already sent across signals in the entire Southeast Asian region. A high-level Chinese delegation visited Pakistan twice in less than a month. The Chinese are also busy courting Iran. For the first time in 13 years, China is mending its relations with Vietnam. In the process, a cooling off the Sino-Indian relations can be predicted. India's small neighbours like Bangladesh, Pakistan, Nepal and Sri Lanka cannot remain mute witnesses to the drama. No wonder the relation between India on the one hand and these small nations on the other hand are getting strained notwithstanding the emergence of high-level and low-level encounters within the framework of SAARC and other such fora. India itself talks of militants' training in Bangladesh and Burma to destabilise the Delhi rule. Pakistan's former foreign secretary Agha Shahi in an interview even mentions the stoppage of US aid to Pakistan in the wake of the changing geo-political situation in the region. Shahi says the new US policy could not lead to an improvement in the India-Pak relations. "Pakistan would find new friends ready to stand by it in dealing with India if the US continued to find going along with India more convenient", asserts Shahi. In substance, the Pak officer only confirms the newly emerging situation in the region.

The emerging US India axis in Southeast Asia will inevitably lead to certain counter-formations as is indicated above. This region is bound to become the counter-stage of new tension after the west-Asian imbroglio. The arms race, including the race to develop nuclear weapons, will be stepped up. At the same time, the new equations will further embolden India's ruling class to militarise the internal policy. This will create its own vicious circle of enhanced US aid going down the Indian drains because Delhi will increasingly rely on the use of force to suppress dissidence within the country. It will deepen India's economic crisis. The US will increasingly be isolated from India's minorities and regional groupings. In sum, India before long will cease to be a democracy even in the formal sense. This is the likely scenario the US administration will have to contend with in Southeast Asia. In its own interests, as well as in the interests of peace and democracy, in the sub-continent, President Bush should think twice before going ahead with his plans. If Washington think India will emerge as a peaceful area to do business with, it will be its mistake. (WSN, November 15, 1991).

Indo-US ties to hurt minorities

Recent reports of Indo-US defence cooperation can only be viewed with an intense sense of disappointment by the Sikhs, Muslims, Assamese and other minorities in India. All the more worrisome is the growing American economic involvement in the now "liberalised" Indian market. It would like to see India "stable" if for nothing else but to protect its investments. The truth is that India is more unstable than even the erstwhile Soviet Union, which is gradually coming back together, economically. The \$7 billion International Monetary Fund bailout of India at US behest was not without reason. Increasingly US multinational companies are queuing up to

enter the huge Indian market. Even Coca-Cola, which was unceremoniously thrown out of the country in the late 1960s, is back. Risks in business ventures are understandable and often necessary. However, risks for short-term economic gains invariably fail as political ventures. They cannot but prove counter-productive. The US experience in South America, Philippines and several Asian countries has been such.

India is not a democracy. It embodies all that a democracy should not be. In the 45 years since the British left, the standard of living has gone down, malnutrition and illiteracy are the rule not the exception for the vast majority. It is in the corrupt rulers' interests to contribute in keeping the people downtrodden and ignorant. Political leaders have amassed incredible fortunes in Swiss banks by siphoning off western aid and in massive fraudulent arms deals. This ill-gotten wealth is their power base, not the will of the people. The election "victory" of the Indian Prime Minister Rao by half a million votes. The "largest margin" ever in the whole wide world was entirely due to rigging according to even Indian newspaper reports. Musclemen ensured that all the votes were cast in favour of their benefactor.

Aid helps India beef up its armed forces

Whatever resources remain are spent on nuclear arms technology and on one of the largest standing armies. For the last two decades this army has served in Punjab, Kashmir and Assam, raping and looting what India claims are its own civilians.

Of the thousands of documented cases of police torture, deaths and rapes in custody and other excesses by the security forces, not one Indian official has been tried far less punished. Human rights organisations like Amnesty International are not allowed in and those that exist within the country are sought to be silenced in the manner used by all totalitarian regimes-state terrorism. (WSN, November 29, 1991).

However, the US State department's advisory to an immigration judge in San Francisco had taken into account the extrajudicial actions of the police in Punjab in an asylum case, is a welcome step in right direction. This step needs to be lauded. The US and other western governments must move steadily in this direction mounting pressure on the fake democracy by way of economic sanctions to free its long suffering people. All aid, which is being used to buy arms to kill innocent citizens, must be stopped until India improves its human rights record.

The pity of the matter is that Bush administration has been maintaining deafening silence on the vast massacre of human rights in India in general and of Sikhs and Kashmiris in particular. India is crushing the human rights so confidently that one is tempted to believe that President Bush has given Delhi the green signal. As a dropback, the world public opinion is being assured that what the Indian army is doing in Punjab and elsewhere in the other troubled states, is to restore "democracy" and "normalcy".

But earlier in 1989, the US State officials had acknowledged that "the Bush administration was sensitive to the litany of human rights violations that D S Gill of the IHRO (now IHRO) had provided at a meeting (Washington: IANS December 23, 1989).

According to IANS, the officials were Micheal Artetti, Director of the Office for Near-Eastern and South Asian Affairs in the State Department's Human Rights Bureau, and David Rabadan, the bureau's Regional Officer for South Asian Affairs in the State Department's Human Rights Bureau, and David Rabadan, the bureau's Regional Officer for South Asia.

The Washington National Press Club, too, showed interest in human rights situation in Punjab and invited D S Gill as a morning newsmaker on November 13, 1989. This was the first time that a Sikh human rights activist was invited by the National Press Club as a guest.

The curious reporters besides knowing about the human rights situation in Punjab asked many questions on Punjab poll to which Gill replied that "the polls in the state are not likely to change the situation". He said, "People of Punjab want a basic change in the present set-up". They were told that his organisation stood for the right of self-determination to the Sikhs.

Anne Orleans, special editor of the Washington News Observer, introduced Gill at the Press Club.

IHRO observes UN day as protest day

To oppose the glaring human rights abuses, the IHRO observed the UN Human Rights Day on December 10, 1991 as protest day. The UN and the international community failed to effectively check India for putting an end to the unabated state repression let loose on the people of Punjab, especially the Sikhs and therefore, a peaceful protest was called for.

The IHRO stated that the deployment of army in large number on an active civil duty in the state was nothing but a culmination of the unabashed repression by the Indian security forces. By observing a day of protest on the UN day, the IHRO added that it sought to shake the public opinion to their responsibilities at the crucial stage.

Indian atrocities protested worldwide

WSN service reported from San Francisco that Sikhs held protests the world over on December 10 in response to the call given by the IHRO. A successful bandh (protest strike) against the violation of human rights by the security forces in the Indian "occupied" territories of Punjab and Kashmir was observed in Punjab and demonstrations were held in several cities in North America, Europe, Australia and south east Asia. The call for observing the strike was issued by India-based International Human Rights Organisation. Print media from Chandigarh reported that the public response was widespread. Pro-India news agencies, however, stated that the response to the bandh call was "partial", at many places.

There were big demonstrations outside UN offices in London and the Buckingham Palace. In Paris too, Sikhs raised anti India Slogans. Kashmiris joined Sikhs to raise their voice against the terrible repression let loose by the Indian government in Chicago, Los Angeles, Huston, New Orleans among other places.

In San Francisco 400 Sikhs from as far away as Bakersfield, Sacramento, Tracy, Modesto, Fremont, and Livingston organised peaceful protest at the Civic Plaza. The speakers all focussed on the contempt India showed for human rights and world opinion. Many Kashmiris joined the protest.

Robert Jobe, a prominent Bay Area Immigration attorney, said he was shocked at the inhuman treatment meted out to Sikhs in India. In this country too, a representation was needed to be made to immigration authorities not to detain Sikhs illegally, he said. Other speakers included, Dr. Amarjit Singh, Dr. Gurinder Singh Grewal, Bhai Jit Singh Bainiwal, Gurbax Singh of Fresno, Bibi Amrit Kaur, Bibi Gurbax Kaur Kahlon, Gurdial Singh of Vallejo, Surjit Singh Khalsa and Didar Singh. Slogans denouncing the tyrannical Hindu regime of India were raised.

In Washington DC, the North American chapter of the IHRO organised the protest outside the White House. Sikhs of all ages, men, women and children got the attention of tourists visiting White House and pedestrians on the busy Pennsylvania Ave. Most of Sikhs were carrying placards saying, "Stop US Aid to India" "Stop IMF Loans to India" and "Murderers Indian Army get out of Sikh homeland".

Kashmiris also joined the protest

A group of Kashmiris representing Kashmir American Council also joined this protest demonstration and showed their solidarity with their Sikh brothers as they too face similar circumstances in Kashmir.

Dr. Rajwant Singh, President of IHRO NA, said, "How can there ever be free and fair elections in Punjab in the presence of so much military".

He thanked Sikhs all over the world for showing their support of this action and said, "we must continue to present a united front against this tyrannical government, which is trying to wipe out our heritage, culture and religion. We must redouble our efforts worldwide. Gurmit Singh Aulakh also spoke at the demonstration.

In New York, the demonstration was attended by over 700 people who gathered in front of United Nations to mark this day. This time they got the attention of the local and international media and submitted the memorandum.

Sikhs mostly from Orange County, gathered at Los Angeles Civic Centre peacefully and well organised demonstration was made by displaying posters such as "Stop Sikh genocide" in India. Pictures of Sikh martyrs and brutality of Indian ruling party was displayed. The dedicated Sikhs met at Los Angeles Mayor Bradley's office with Human Rights Commission representative, Julie Tugend. She received the memorandum and sympathised with the Sikh cause and promised to forward the memorandum to Secretary General, United Nations.

In Punjab according to reports, there was a strike in the interior of Amritsar City. In Tarn Taran, Patti and Bhikhiwind, the public was on a complete strike.

The people of Ludhiana City observed the day in a peaceful and orderly manner. The response to the call in the interior Hindu dominated localities was poor. In Sangrur, Ropar and Patiala districts, the response to the bandh call was partial.

A complete bandh was observed in Punjab

A common feature of the day was that private bus services remained suspended. The government-owned passenger transport services, however, remained in operation on the national and state highways but did not ply in the district and rural routes. The attendance in government offices was affected. The day passed off peacefully and there was no untoward incident anywhere in the state.

Politically, the protest day had its own significance. The public at large expressed their resentment against the deployment of Indian army and other security forces in Punjab. The call was supported by several militant groups but the Indian government did not allow the media to carry the groups' statements on the issue.

Several other groups such as SGPC, Punjab Sikh Lawyers Council, Punjab Sikh Intellectuals Council and other sundry organisations backed the call but the main Akali parties - the Akali Dal (Mann), Akali Dal (Badal), All India Sikh Students Federation (Manjit), Akali Dal (Longowal) refrained from issuing any statement in favour of the protest strike. However, the Chandigarh unit of Akali Dal (Mann) headed by Prof. Bhupinder Singh endorsed the strike call.

From among traditional Akali Dal leaders, only Gurcharan Singh Tohra supported the strike call. Parkash Singh Badal, Simranjit Singh Mann and other important Akali leaders remained silent.

The demonstration organised by IHRO, UK outside the offices of the United Nations Commission on Human Rights, London, was an unqualified success. Sikh Organisations of every political hue combined together under the flag of the IHRO for the protest.

UN called upon to intervene

The President and the Vice President of IHRO, UK, Barrister Harjit Singh and Barrister Maluk Singh Chohan presented a petition in the presence of Narinderjit Singh, Surinder Singh Bhau, Gurmej Singh Babbar, Balvir Singh Babbar, Surain Singh, Amrik Singh Gill, Dr. Jagjit Singh Chohan and Manmohan Singh to the Director of the Commission, who promised to send the petition to their head office in Geneva for immediate action.

The petition called upon the United Nations to dedicate their Human Rights Day to the vindication of Sikh human rights. It also called upon the Human Rights Commission in Geneva to take follow-up action on the indictment of the Government of India for Sikh human rights violations preferred by the Commission in April 1990. The Government of India has been dilly-dallying over its response.

The petition drew the commission's attention to the atrocious crimes being committed in Punjab by the Indian security forces.

Similar demonstrations were held in Bonn, Belgium, Geneva, Paris. The petitions were also served on behalf of and by the International Human Rights Organisation.

Indian media blacked out the protests abroad

Indian media almost completely blacked out reports of the Sikh demonstrations in front of UN headquarters at New York and elsewhere in western countries to protest against human rights abuses by the Indian security forces in Punjab. India Abroad News Services (IANS) covered the functions and sent out detailed accounts but no major Indian newspapers carried the news. The only exception was the daily Ajit, which carried a dispatch by Narpal Singh Sheryl from London.

Almost all India controlled news agencies and newspapers played down the IHRO organised bandh to draw the attention of world powers towards atrocities on Sikhs.

Despite worldwide protests and demonstrations against India, the Indian security forces continued to violate Punjab Sikhs' human rights with torrent of reports pouring in from all districts to the IHRO offices in the State.

Bhai Gurjit Singh killed in custody

The Faridkot police on November 3, 1991 gunned down a Khalistan activist Gurjit Singh Bhai, formerly president of the All Indian Sikh Students Federation (AISSF), in cold blood at Moga. IHRO team comprising D S Gill and advocate Bhupinder Singh Somal investigated the matter and said that the murder was preplanned that it was executed in the wake of the killing of a former congress (I) MLA, Nachhattar Singh from Moga to appease his two DIG sons.

The two member IHRO team met several persons in this connection at Moga and elsewhere including relatives of the Bhai and came across a strong evidence to suggest that the Moga police party overpowered Gurjit Singh when tried to escape from a white Maruti car at 7 p.m. on November 2, 1991 at a special police Naka (picket) near Barnala roundtable on Ferozepur road, 5 kms from Moga towards Jagraon. A trimmed youth was also "arrested" along with him from the car.

After interrogation and torture, according to IHRO investigation report, Gurjit Singh was taken to the house of one Malkiat Singh in Galib Kalan village for the recovery of arms at 10 p.m. where from the police recovered some arms and ammunition and arrested Malkiat Singh. The police later stage-managed an encounter at Bypass Gill Road, Moga at 1.30 am next morning and falsely claimed that Gurjit Singh, the student leader and KCF (Panjwar) activist, had been killed in the armed encounter with the police while he was driving a white Maruti car. The whereabouts of the other young man "arrested" alongwith him could not be known.

The police version (FIR No 40) that Gurjit Singh was killed in an encounter with the police party comprising SP (Operation), G S Mastana, Moga DSP, Bachan Singh Randhawa, Sub-Inspectors Surain Singh and Joginder Lal and others was totally false. He was shot dead while in custody. The recovery of AK-56 and a pistol along with some ammunition from the person of the slain militant was also a concoction. These arms and ammunition were recovered from the Galib Kalan village while Gurjit Singh was in police custody.

Gurjit Singh (29) was born in Jhok Harihar village near Ferozepur to Avtar Singh Sandhu and Jarnail Kaur. His father Avtar Singh was very close to Damdami Taksal. Gurjit Singh did his BA degree from Moga. In 1983, he was married with Rashpal Kaur, daughter of Vir Singh (elder brother of Sant Jarnail Singh Bhindrawale). He worked with Bhai Amrik Singh and he headed the AISSF, the political arm of the ongoing Sikh struggle, from 1986 to 1988.

He was said to be person responsible, alongwith Dr. Sohan Singh, for the declaration of Khalistan by Panthic Committee on 29. 1986 and there was a reward of half a million rupees for his arrest. He was named by the police in number of cases.

Another fake encounter

Another fake encounter, Balwinder Singh alias Ghora was killed in custody by Amritsar police on December 4, 1991. He was Lt. General of the KCF (Panjwar). He was taken into custody on December 1 during a crackdown on the villages by the security forces in Majitha police district

of Amritsar. The police claimed to have recovered a large quantity of arms and ammunition from his person.

The encounter killing was investigated by IHRO activists Mohinder Singh Grewal and Harpal Singh Ghaniya, both advocates. According to IHRO findings, Balwinder Singh was taken into custody without any resistance by the CRPF party from the fields of Nizampura village in Jandiala Guru police station when he was trying to escape after leaving a truck there on the road. The truck was also taken into possession. Eyewitnesses including Gurnam Singh, a teacher, Manmohan Singh, Jasbir Singh and Harpreet Singh testified this fact.

According to IHRO investigation, the CRPF recovered a large amount of arms and ammunition from eucalyptus plantation in Jassonangal and Nanakpura settlements of Bhorsi Rajputtan village on Balwinder Singh's disclosures. One Harpreet Singh of the village was arrested and was taken to Khilchian CRPF post. On December 2, the police and CRPF party led by H S Randhawa raided the residence of Gurdip Singh, Sarpanch and Director of the Central Co-operative Bank, at Dhota village at night in Verowal police station, recovered from there a bag containing arms and ammunition and picked up the Sarpanch, who was kept in illegal custody at Verowal and Tarn Taran police stations for a week.

After keeping Balwinder Singh in custody for three days, the Majitha police killed him by stage-managing an encounter on December 4, in Muchhal village. The police version that Balwinder Singh was killed in an armed encounter with the police and that the police had recovered a huge amount of arms and ammunition from the person of the deceased was totally false and fabricated.

Punjab magistracy admit police excesses

Machinery to hold inquiries into police excesses in Punjab collapsed, according to members of Punjab Civil Service Officers Association. The Association held a one-day meeting at Punjab Bhavan, Chandigarh in October. Among those present, apart from more than 100 members, was Punjab Chief Secretary, Tejinder Khanna.

Members of Punjab Civil Service are mostly officers at the grassroots level who, on paper, enjoy certain executive and judicial powers. Their opinion on the current human rights situation vis-à-vis the police functioning, proved yet another eye-opener to the Chief Secretary, who a few weeks earlier had found senior rung secretaries extremely critical of the police functioning in the state.

Attack on the police at the PCS officers meeting was spearheaded by Jaswant Singh, Sub-Divisional Magistrate of Sunam sub-division in Patiala district. He said the deaths in police custody or in armed encounters were investigated by SDMs in terms of the Indian Police Act but this was no longer being done in Punjab, thanks to the police supremacy over the magistracy. The police officers themselves held inquiries into their own actions with the result that the public was fast losing faith in civil administration. The participants endorsed Jaswant Singh's views and said that the rule of law had been given the go-by in Punjab. The speakers remembered that station house officers of police used to report daily to SDMs on the law and order situation but no longer so now, according to media reports.

Militants' Lawyer arrested under TADA

Those advocating human rights of Sikhs in Punjab become targets of Indian security agencies in several ways.

The Chandigarh police alleged "conspiracy" to create Khalistan against Punjab and Haryana High Court advocate, Jaspreet Singh Gill, arrested him under TADA and obtained police remand for him for 13 days. However, advocates of the Punjab and Haryana High Court and of the Chandigarh district courts struck work for two days protesting against the arrest and seeking his immediate release.

Additional district judge M S Lubana set free the advocate on bail after hearing Indian government counsel Anand Swaroop and Som Nath Sharma on the one hand and advocate's counsel Amarjit Singh and N S Minhas on the other.

India's charges against Gill were that he was in contract with militant leaders Harbhajan Singh Mand, Wadhawa Singh, Talwinder Singh, Devpal Singh, Manohar Singh Shira and Pritam Singh who kept their weapons at the advocate's Sector 11 house. The police played certain cassettes to claim proof of the advocate's links and his writings but the judge felt that those documents did not advance the government's case.

A former Punjab minister associated with Congress (I), Dilbagh Singh Daleke, who has been pleading for the victimised Sikh youths of Amritsar district, in September led hundreds of village panches and Sarpanches to protest against actions of the Tarn Taran district police. However, the police hit back by alleging that Daleke conspired with certain militants to kill Tarn Taran district police chief, Narinderpal Singh.

The allegation, according to the police, was that Daleke had a meeting with Satnam Singh Satta of Bhindranwale Tiger Force of Khalistan at Santokh Singh's house in Janmastpura village on August 29. Others present were Banta Singh, a former Sarpanch of Bakipur village and six militants. Satta was later killed in an encounter.

At the meeting, according to the police, Daleke asked militants to concentrate on "good work" and stated that he had adopted Bhai Sukhwinder Singh Sangha, the slain Chief of BTKF, as his son and earned the wrath of the police. The former minister was further quoted as saying that the police humiliated him when it did not let him in the police station even after he had an appointment with the district police chief. He then allegedly asked the militants to revenge the insult to him. He threatened he would go on a hunger strike if his dignity was not vindicated.

Police wanted to finish off a Hindu journalist

Harish Chander, a Hindu journalist of Morinda who represented Punjabi Tribune and Ajit, in a letter to the Punjab police chief alleged that vigilante groups of Ropar police had hatched a conspiracy to kill him for his pro-human rights articles. He said four suspected police "cats" at 1.30 am on September 5, insisted on personally seeing him. They described themselves as "militants" but the style of the knock showed that they were police "cats". He refused to open the door. The car in which they travelled was later seen in the Morinda police station. The group again came to his residence the next day. The occupants of the car included sub-inspector Sucha Singh of Bahman Majra village. When the friends of the journalist followed the car, it reached the Morinda police station.

Harish Chander said that the police had already registered a case against him under the dreaded TADA and raided his house in June 1991. It wanted to finish him off and attribute the crime to militants. He asked the Punjab government authorities to save his life from the police vigilante groups of the district police.

A Sikh journalist killed by Black "Cats"

A Sikh correspondent and a newspaper agent Jaspal Singh was shot dead by some unknown assailants suspected to the Black "Cats" at Rayya on October 17, 1991.

According to eyewitnesses, two assailants gave five rupees to the newspaper agent and asked for some Newspapers. Jaspal Singh replied that the paper was out of stock. Meanwhile, the assailants took out a Mouser and shot him thrice. Jaspal Singh died on the spot. The assailants who came on foot managed to escape. The police reached the spot and sealed the area. Local township business was closed and life came to a halt.

The local populace was heard talking about the drama enacted by the police to capture the culprits. Jaspal Singh used to put statements issued by the militant groups in the newspapers. This irked the security forces, according to IHRO.

Underground Sikh activist Jagir Singh Basarke's 18 relations were killed when they assembled at Basarke Bhaini village in Amritsar district to celebrate a wedding.

The massacre was carried out by the police "cat", Piara Singh, and his four accomplices, who belonged to Basarke Bhaini village. Piara Singh left the village sometime ago to live at

Chhehartta near Amritsar and was fully armed. All the weapons were provided to the group by the district police.

Jagir Singh is an important activist of Khalistan Commando Force. The occasion for the relations to get together was the wedding of Jagir Singh's brother, Angrez Singh, who survived the attack. Those who died include Jagir Singh's 60-year-old father Mohinder Singh, Jagir Singh's brother Jasbir Singh and the latter's son Gurvail Singh (15) and daughter Bholan (18). In all nine men, six women and three children were killed.

According to Angrez Singh, five armed men, including Piara Singh came by a three-wheeler, which stopped, in a back lane of the house where the celebration of the wedding was on. The marriage party was getting ready to go to bed after the meals when the men started firing first on the outskirts of the house to kill the village cook. Then the gunmen scaled the house wall and opened another burst on about 50 men, women and children present inside. None of the participants knew what was happening until the victims started falling off. Some of them were chased and were killed right in the rooms.

Police "Cat" killed 18 relations of a militant

Piara Singh was originally said to be a police informer. The militants headed by Jagir Singh attacked him but he escaped. The police later recruited him to the "cats" force and gave him arms and gunmen. The gunmen included Piara Singh's two sons who were designated "special police officers".

Since the police involvement in the crime became public knowledge much too soon after the incident, the district police "arrested" all the five attackers and described the incident as the result of a "feud" between "two groups of militants". Piara Singh never claimed himself to be a militant.

Members of the Sikh intelligentsia - journalists, advocates, and professors - became targets of security forces in Punjab. Journalist Dalbir Singh was picked up by the Chandigarh SSP Saini's men from his village near Phillaur on September 25 and was taken to Chandigarh for "verification of certain facts", according to Chandigarh IGP Gupta. He was later set free.

Punjabi Tribune and Ajit correspondent for Bhiwanigarh, Ranjit Singh was kept in illegal custody by the local police for nine hours and tortured. Earlier, a Sangrur-based journalist Sukhwinder Singh Phul was arrested under TADA but a court released him on bail.

Rakesh Gaur, correspondent of daily Ajit at Kurali, narrated to reporters at Jalandhar on November 9, 1991 the tale of his torture by the police at the Kurali police station.

According to Gaur, the Kurali SHO Sukhdev Singh called him to the police station on November 2, at 7.30 a.m. There the SHO along with 10 other police officers pounced upon him and started giving him a beating. The SHO then asked ASI Karnail Singh to record seizure of a revolver from him but the latter refused. The SHO then called ASI Bhupinder Singh, Incharge of the city police post. After a while, Bhupinder Singh ordered, he should be taken out. Gaur's hands were tied at his back. He was made to sit in a van. It was started that he would be taken out near the canal for an encounter where he would be killed. He was instead taken to the Community Health Centre, Kurali. It was 11.45 a.m. by the watch of a doctor present there. The ASI ordered the doctor to give him a medical certificate of his own description. The doctor obliged the police official and showed time on the medical reports as 10.30 a.m. as the police official desired. The journalist was then taken to the Bus Stand police post where once again he was beaten up.

Reporters held, tortured

He was also made to touch the feet of all the police employees present there in total submission. At 12.30 p.m. he was taken back to the police station where he was locked up. A guard on duty, Sant Ram, who was presumably in a state of intoxication, ordered him to keep standing. Otherwise, he would be shot dead. That way he was compelled to keep standing the whole night. The next day he was handcuffed and taken out at 3.30 p.m. and paraded throughout Kurali's streets. Then he was taken to a court at Ropar. The judge ordered a medical examination of Gaur. The police instead took him to Kurali again disregarding the court order. The ASI there ordered a

Hindu doctor to sign on a blank medical report, which would be filled later by the police. The doctor did as he was asked to do by the police official. The journalist was also ordered to sign on two blank papers. He was again taken to the city police post where once again he was beaten up. ASI Bhupinder Singh, Havildar Attar Singh and others put dust into the journalist's mouth and did certain indescribable things to him. On November 5, the journalist was sent to Ropar sub-jail.

The official charge against the journalist was that he forced shopkeepers to shut their shops. Another charge was that he quarrelled with police officers and tore up their clothes. The journalist said that there was no question of asking shopkeepers to close their shops because its being a Sunday no shopkeeper had actually opened his shop much less forcing closure at 9 at night.

Milkman killed by police

Chamkaur Singh, a milkman, was killed and his elder brother, Sher Singh injured by the police when they were going to collect milk from villages on October 29 near Sidhwan canal. Sher Singh under went treatment at the Intensive Care Unit of Dayanand Medical College and Hospital.

The police flashed a message that an unidentified militant was killed and another injured in an encounter with the police.

According to IHRO information, residents of house number HJ-98 in the Housing Board Colony at the Ludhiana Ferozepur road, Chamkaur Singh and his brother Sher Singh were riding a motor cycle and were proceeding towards Birmi, Phagil and Somiant villages to collect milk in the early hours. They were suddenly fired upon by a security force picket near Sidhwan canal on October 29. Chamkaur Singh who was driving the motor cycle was killed on the spot while his brother sustained injuries.

According to Chamkaur Singh's widow, Jaswinder Kaur, the police did not give any signal to stop her husband and her brother-in-law, Sher Singh was immediately taken to the hospital where the canteen contractor recognised him and informed his family members about the death of his brother.

Meanwhile, the police announced to the public and the world media that an unidentified militant had been killed and another had been injured in an "encounter".

Jaswinder Kaur stated that her husband's motorcycle had two big milk containers and two small ones tied to it, which was proof, enough of the profession of her husband. The police fired indiscriminately with the result that the motor cycle was badly damaged. The members of the family recovered the dead body from the police, which forced the members to cremate it before all the relations of the deceased could reach for the last rites. Jaswinder Kaur said that her relations met the Deputy Commissioner of Ludhiana, S S Channy, and brought the murder of Chamkaur Singh to his notice. Evidently the Deputy Commissioner gave no relief to the family nor ordered an inquiry into the incident.

Rattan Lal, Devinder Singh and Daulat Ram, Sarpanches of Rehmanpura, Sufipind and Alipur villages respectively of Jalandhar district, alleged that an Assistant Sub-Inspector of Indian police along with his armed subordinates committed a dacoity in Sulfipind on November 13, 1991.

The Cops as robbers

The Sarpanches said that about 15 policemen came to Sufipind by a Maruti van (Regd No DSD 2890) and committed dacoity in five houses to take away 400 grams of gold ornaments, imported clothes, tape-recorders and other valuables.

One of the head constables wore a belt on which No 1251 was inscribed. The villagers recognised the ASI. An army check post outside the village noted down the vehicle's number. The village heads brought the dacoity to the notice of the DIG and the SSP of the district.

On November 10, a similar incident took place in Dhannowali village. Police officers took away a number of valuables from the house of Chattar Singh. These valuables had been brought by the two sisters from Canada where they lived.

The Sarpanches said that the villagers had much more to fear from the police than from militants and regretted that senior police officers had ignored their complaints.

Armed police officers reportedly robbed two dozen houses in Manakwal, Ayali Kalan and a few other villages on the periphery of Ludhiana in November 1991.

In Ayali village, the group of armed men numbered 12 looted eight houses and decamped with gold worth Rs. 10 lakh. The police officers raided the house of Sukhdev Singh in Ayali on ground of searching for arms but took away six tolas of gold and Rs 4000 in cash. Sukhdev Singh's two sisters were also asked to part with their earrings, which they did. According to Sukhdev Singh, two of the robber-policemen carried stenguns while others had pistols and revolvers. According to Gajjan Singh, a dozen police officers came to his house to take away two tolas of gold and Rs 1000 in cash.

The Hoshiarpur police arrested a gang of four dacoits and extortionists in February 1991. The police invited the media-persons to have a look at the members of the gang namely Ashok Kumar alias Shoki, Deep Kumar, Ashok Kumar Alias Puppy and Balbir, all residents Bhagat Nagar colony of Hoshiarpur. The media persons were also shown the articles recovered from the gang members. It made quite an impressive show: three Bajaj scooters, five colour television sets, one video camera, half a dozen VCRs, one generator and a few gold ornaments.

Dacoits and extortionists recruited as SPOs

Almost every known journalist in town was invited on April 24, to be informed that the police had registered eight first information reports (Nos. 31, 35, 36, 41, 42, 43, 44 and 46) against the dacoits. They were later sent to jail.

However, after a few days, Shoki and Deep Kumar came out of jail on bail. In July, Shoki and Deep Kumar were recruited as Special Police Officers (Black "Cats"). Their batch numbers are 245 and 246 respectively.

The International Human Rights Organisation on September 26 refuted a UNI story filed from Gurdaspur on September 1 and published in a section of the press that some Sikh militants molested and raped certain womenfolk in Pilibhit area at Karnapur colony in the State of UP. The organisation claimed that the story had been planted by intelligence agencies to defame the people, engaged in the ongoing struggle for restoration of their basic rights.

An IHRO team comprising D S Gill and Mohinder Singh Grewal contacted members of the affected family who had migrated to their native village Nikko Sarai in the Dera Baba Nanak area from UP.

The team met, besides others, the village Sarpanch Santokh Singh and Sukhjinder Singh (23) son of Dalip Singh who, in his statement on oath before the IHRO team and the Sarpanch, denied to have met any pressman regarding the Pilibhit incident and their migration thereafter to Punjab.

According to the IHRO team, there was a matrimonial dispute between Sukhjinder Singh and his wife Palwinder Kaur. It was on the instance of his in-laws that a separation between Sukhjinder Singh and Palwinder Kaur went to her in-laws house in August 1991.

The mother-in-law of Sukhjinder Singh, however, continued to interfere and demanded that two acres of land should be transferred in her daughter's name to which the family did not agree. The family sold their small land holding and shifted to their native village in Gurdaspur district to avoid further interference from Sukhjinder Singh's mother-in-law. Palwinder Kaur also accompanied his husband to Punjab.

UNI plants a story to defame Sikh militants

The harassment by the mother-in-law continued in as much as she falsely complained to the Gurdaspur police that militants had been visiting the house of Dalip Singh in Punjab. Dalip Singh and his brother Sardul Singh were rounded up by the police in connection with the false information. The Sarpanch and other respectables of the village brought facts into the notice of the police and got them released after two days.

Sukhjinder Singh testified before the IHRO team that no one from the Gurdaspur UNI ever met them and the story filed by it on September 1 that his wife, sister and mother were sexually molested and raped by the militants at their old settlement near Pilibhit in UP, was mischievous and aimed at defaming the reputation of his family and of the Sikh militants.

The situation in Punjab surpassed all human decency. Rather than protect its civilian population, the government of India condoned and possibly instigated behaviour by its police that was totally unacceptable to any civilised population. It would appear that women are now being used to humiliate the subjugate the Sikhs. The following is a typical case at hand.

Women used to subjugate the Sikhs

On July 7, 1991, a girl named Sarbjit Kaur (15) from a town named Bagha Purana was abducted and raped repeatedly by the kidnappers. She was the daughter of a poor watchman. Apparently the kidnappers were connected to the Congress (I) Party. After the ordeal, she was picked up by the police, where she was again raped and threatened, not only with her own life but that of her entire family. The police made every effort to conceal the identity of the kidnappers and gravity of the situation. She had to appear before a session judge, but once again was harassed and threatened not to reveal any details and names.

It was interesting to note that on return on her village, the town people picketed and demonstrated on her behalf, hoping for some justice. The police dispersed the crowd with gunfire and bamboo sticks. Due to political pressure, the police refused to register the case and no charges were laid.

The charge was gangrape of a minor. (Alice Basarke: WSN, October 4, 1991).

Abductions and illegal detentions of the Sikhs at the hands of police and paramilitary forces on mere suspicion of being members or sympathisers of the Sikh militant groups advocating a separate Sikh state, Khalistan, remained unchecked.

Giani Baldev Singh picked up and tortured

One Giani Baldev Singh was picked up by the Ludhiana police on November 10, 1991 from his in-laws' house at Nawan Shehar. His father-in-law, Giani Daya Singh Dilbar, a known "Dhadi", was not there. A police party from CIA Staff, Ludhiana headed by its Inspector Harinderjit Singh raided Dilbar's residence at night and abducted his son-in-law Baldev Singh and took him to Ludhiana.

The IHRO, on receiving the information, telegraphically sought the intervention of the Chief Justice of Punjab and Haryana High Court and Punjab home secretary in the matter. Nothing came out of it.

The high court has virtually stopped entertaining telegrams in this regard. He was kept in illegal custody for about a month. He was ultimately produced in a Ludhiana court on December 7. The police charged him under sections 212 & 216 of the Indian Penal Code for harbouring and sheltering student leaders Daljit Singh and Mahesh Inder Singh.

During his detention, he was thoroughly interrogated about his links with Panthic Committee (Dr. Sohan Singh). Gurjant Singh Budhsinghwal (KLF chief) and Daljit Singh (Panthic Committee member and SSF chief), Baldev Singh told the IHRO office.

According to Baldev Singh, he was personally tortured by Ludhiana SSP Anil Kumar Sharma and SP (Detective) Sukhdev Singh, at least for 5 days. Due to the severe torture, he was rendered sexually impotent; it took him three months to become normal. During his illegal detention, he was kept in Division No 5, Sadar, Sidhwan Bet, Ghalib Kalan and Sarabha Nagar police stations.

Earlier, Baldev Singh was arrested by Delhi Crime Branch on October 7, 1986 from Khanna Bus Stand in connection with FIR No 349/86 dated 7.10.1986 of Nigambodh Police Station, Delhi under sections 468, 471, 420, 120-B IPC, TADA and Passport Act. The police had alleged that he was responsible for sending Sukhminder Singh Sandhu and Ranjit Singh Gill, the alleged accused in General Vaidya and Lalit Maken cases, to United States on forged documents as a travel agent.

According to official reports as published in the media, 4750 persons were killed in Punjab during 1991. The figures included 2162 militants, 21 soldiers and 100 relations of the police officials. On the other hand, 1834 Sikhs and 493 securitymen were allegedly killed in militants' violence.

During the September-December, 1991 period, as many as 793 Sikhs were killed by the security forces (563 in "encounters", 95 in "intergang rivalries", 25 by taking cyanide and 110 by other methods). According to IHRO records, the month-wise break up was:

Month	Encounters	Intergang deaths	Suicide	Misc.	Total
September	170	38	7	15	230
October	161	43	5	30	239
November	118	4	9	37	168
December	114	10	4	28	156
Total	563	95	25	110	793

Except for the 25 deaths by suicide, most of the other deaths took place in custody. After the so called encounters and Naka (police picket) firings, the weapons shown recovered from the victims included very ordinary ones such as .12 pistols, .12 guns (double barrel and even single barrel), 1 or 2 hand grenades, only magazines of the assault rifles, mausers, explosive powder .32 revolvers. One wonders how with these weapons of so short a range and with a few rounds in the weapons, the victims could keep the "brave" Indian security forces at bay.

Novel methods of liquidation

Important militants thus killed included Panjab Singh Sibia, Avtar Singh Dirba, Lakha Singh Jehaz, Balvinder Singh Jatana, General Satnam Singh Chuslewar, Gurmej Singh Ghariala, Gurmel Singh Melu, Babbar Naib Gill, Sukhwinder Singh Fauji, Parmjit Singh Pamma, General Sital Singh Mattewal, Gurnam Singh of Panthic Committee, Tarsem Singh Kohar, Balwinder Singh, Babbar Kuldip Singh Bittu, Sukhdev Singh Gill, Area Commander Nirmal Singh Nimma, Lakhbir Singh Amritsar, Commander Gurlal Singh, Sukhdev Singh, Bira Sainsi, Baghel Singh Dehriwal, General Jaspal Singh Bhurrey, Harjinder Singh, Kewal Singh, General Sukhdev Singh in September 1991.

General Gurbachan Singh Dogar, General Karaj Singh and Commander Amarjit Singh, Shinghara Singh, General Sukhwinder Singh, Bakhshish Singh Pandit, Vijay Singh, Ranjit Singh (father of BTFK General Rachhpal Singh Chhandran, General Joginder Singh Nikku, Gurbhej Singh Babbar, Narinder Singh, Germanjit Singh, Lachman Singh, Babbar Jaswinder Singh Jauhal, Shamsher Singh Kala Machhian, General Harbans Singh Gatka and others were killed during October 1991.

Gurjit Singh (AISSF), Jatinder Pal Singh Billa, Sukhdev Singh Sukha, Jagrup Singh Rupa, Commander Kabul Singh Zinda Shaheed, Harnam Singh Sangha, Babbar Harpreet Singh Happy, Babbar Surinder Singh, Babbar Harbans Singh etc. Were shot dead in November 1991.

Babbar Kuldip Singh, Balwinder Singh Ghora, General Balwinder Singh with his mother and sister, Manohar Singh Bhagwanpura, Gurbachan Singh Abla, Satpal Singh, General Balbir Singh alias Balwinder Singh Khalsa, Gurlal Singh Lali, Palwinder Singh Sona, Gursewak Singh Fauji,

Commander Chanchal Singh, Mukhtiar Singh Mukha, Commander Harpal Singh Chhota Sona etc. were killed in the month of December 1991.

Numerous Sikh youths were killed "when they were carried out for recovery of arms at night" or "they did not stop at the naka (picket)".

Other casualties include security men

Other casualties during the last four months of 1991 were 1846.301 policemen and 974 others were killed while 186 policemen and 385 others were injured by the militants, individual assailants or the security forces. The break up for each month was as follows:

Month	Police			Others			Total
	Killed	injured		Killed	injured		
September	89	+	84	251	+	40	= 464
October	188	+	38			305	+ 135 = 596
November	68	+	33			205	+ 48 = 354
December	26	+	31			213	+ 162 = 432
Total	301	+	186			974	+ 385 = 1846

Two digit killings of Sikhs have been an unfailing daily feature for about a decade in Punjab. Sikh youths are being killed deliberately in "encounters", "escapes", "intergang rivalries" or "armed ambushes". According to media reports, hundreds of Sikh activists were clandestinely killed by the security forces and their bodies were thrown into canals and rivers. A national daily, The Pioneer reported number of such cases on "watery graves". The government took no notice of the matter. No credible inquiry was ever held into mass slaughter of Sikhs. This reality compels one to believe that the killings of Sikhs had the sanction of the ruling classes.

The only course open to the world public opinion is to raise the voice at international fora including the UN and democratic governments, which have respect for human rights and value human life above trade contracts. IHRO, therefore, calls upon leaders of the international public opinion to send their teams of Punjab and Kashmir to investigate the grave human rights violations there.

World public opinion urged to intervene

The IHRO views 'The Justice in India Act' recently passed by the US Congress as a gentle warning to India to put an end to state repression let loose on the Sikh and Muslim communities in the border states. Congressman Dan Burton and several other members deserve all praise for this noble cause. The US Congress has created a history in ripping off cause. The US Congress has created a history in ripping off the mock democratic face of India and has sent a clear message that India can no longer seek financial aid until it improves its human rights record and abides by the international standards of human dignity. The US administration should now review its own stand vis-à-vis India on its handling of the Punjab and Kashmir situation.

The IHRO has made a token contribution to the cause of humanism by associating itself with the suffering people of Punjab and Kashmir. Far more important is the need of keep up the endeavour so that greater opportunities are provided to the world public opinion to know the real state of affairs in Punjab as well as in Jammu and Kashmir.

