

## Terrorism, Human Rights and Peace in Kashmir (Learning from the Punjab Experience)

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### ABSTRACT

*This paper argues that human rights are the basic of the human governance and good governance is possible only in the peaceful and progressive environment. Terrorism is dangerous to both the human rights and peace. Unfortunately the issue of human rights is over politicised and sometimes it is used by the vested interests to derail the government measures to establish peace, law and order, which is basic requirement for the protection of human rights and governance. The vociferous campaign of some National and International Human Rights Group along with some political parties in opposition on the issue of violation of human rights by the security measures in Kashmir especially after the revocation of the Article 370 are analysed under the above context. While referring to the measures which were taken by the central government to established peace in Punjab just in the neighboring state of J&K then, paper holds that the strong measures against the terrorism are necessary measures to secure the human rights of the common citizens in Kashmir. This paper also exposes the dubious character of the some national and international human rights groups along with the political parties in opposition that are more worried about the right to freedom of expression instead of the right to life in a volatile situation like in Kashmir.*

Today both the world at large and India in particular, face daunting challenges in the task of protecting the human rights of its common citizens. No country in the world can be said to be free from the deadly scourge of terrorism, even the countries that support the terrorists' organization or have been pursuing the terrorism<sup>1</sup> as the part of the foreign are not being spared of the terrorists' violence.<sup>2</sup>

Expressing its concerns and inability to address the issue of violation of human rights of the children, innocent and defenceless people, United Nations Organisation (UNO) voiced its concerns over the safety, security and assistance of the individuals and families who become the victims of the terrorist violence across the world.<sup>3</sup> Many discussions have been held by the Human Rights Council to address the suffering caused by terrorism to the victims and their families. Time and again stress is on the importance of providing them with proper support and assistance.<sup>4</sup>

While appreciating the works of UNO and Working Group on Supporting and Highlighting Victims of Terrorism, the UNO Human Rights Committee encouraged the States to provide appropriate assistance and rehabilitation for victims of terrorism in accordance with relevant national laws from within available

resources. It has requested the High Commissioner to prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, particularly the right to life, liberty and security of person.<sup>5</sup>

It is pertinent to mention that UNO recognised that violation of human rights of ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance may cause resentment among the sufferers, but these conditions can't justify the acts of terrorism.<sup>6</sup> To condemn the violence and sufferings caused by the terrorists, United Nations General Assembly decided to proclaim 21 August the international Day of Remembrance and Tribute to the Victims of Terrorism. It recommended that all the Member States, organizations of the United Nations system, within existing resources, as well as other international organizations, and civil society entities, including non-governmental organizations and individuals, to observe the International Day in an appropriate manner.<sup>7</sup>

As a nation India has been facing the challenges of terrorism from many years, unfortunately the majority of terrorist attacked and the terrorist organisations are supported and financed by its neighbouring country.<sup>8</sup> The highlighting of

<sup>1</sup> "Pakistan and state-sponsored terrorism-Wikipedia", <https://en.wikipedia.org/wiki/>, accessed: 10-11-2019, 10:00pm.

<sup>2</sup> "Terrorism in Pakistan-Wikipedia", <https://en.wikipedia.org/wiki/>, accessed: 10-11-2019, 10:30pm.

<sup>3</sup> "SC res 1566 (8 October 2004). Threats to international peace and security caused by terrorist acts", [www.un.org](http://www.un.org), accessed: 10-11-2019, 10:00pm, also see: "SC res 1624 (14 September 2005). Threats to international peace and security (Security Council Summit 2005)", [en.wikipedia.org](http://en.wikipedia.org), accessed: 10-11-2019, 10:30pm.

<sup>4</sup> "HRC res 19/19 (23 March 2012). Protection of human rights and fundamental freedoms while countering terrorism", [www.ohchr.org](http://www.ohchr.org), accessed: 09-11-2019, 10:30pm.

<sup>5</sup> "HRC decision 16/116 (24 March 2011), Panel on the human rights of victims of terrorism", [www.ohchr.org](http://www.ohchr.org), accessed: 08-11-2019, 10:30pm.

<sup>6</sup> "GA res 60/288 (8 September 2006), Global Counter-Terrorism Strategy, Annex: Plan of Action", [unispal.un.org](http://unispal.un.org), accessed: 08-11-2019, 10:30pm.

<sup>7</sup> "GA res 72/165 (19 December 2017), Day of Tribute to Victims of Terrorism" [www.un.org/ga/resolutions/](http://www.un.org/ga/resolutions/), accessed: 08-11-2019, 10:30pm.

<sup>8</sup> "Why Pakistan supports terrorist groups, and why the US finds", <https://www.brookings.edu/blog/order-from-chaos/2018/01/05/who/>, accessed: 08-11-2019, 10:35pm.

also see: "Pakistan Has No More Excuses for Supporting Terrorism", <https://foreignpolicy.com/2019/02/15/>, accessed: 08-11-2019, 10:45pm

the disturbance in Punjab by the government of Pakistan then and now the taking of the issue of the revocation of the Article 370 to the international forums and openly opposing the deployment of more security-force in Kashmir by the Pakistan Prime Minister can be taken as the evidences of supporting of the terrorism against India by Pakistan.<sup>9</sup>

The withdrawing of the diplomatic relations with India after the revocation of the Article 370 by the Indian Parliament through a Constitutional Amendment and visiting of the Prime Minister of the Pakistan to get the support of the Islam Countries on the internal issue of India. Moreover, the supply of weapons, training and infiltration of the terrorists in India from the Pakistan land, criticizing of anti-insurgency operations of the Indian security forces on the name of human rights shows that the problem of terrorism in Punjab and Kashmir is more related to the foreign policy of the Pakistan rather than to the people of Kashmir.<sup>10</sup>

Terrorism and violence in Kashmir has surged in the beginning of 1990, when the terrorism was losing its ground in Punjab another border state in India. The state of Punjab has witnessed a turmoil and restless from late 1970's to the mid of 1990's. Thousands of innocent citizens have been killed by the terrorists on the name religion and the demand of separate sovereign nation. It is pertinent to mention that the absolute majority among the killed by the terrorist in Punjab belongs to the Sikh community.

The curbing of the terrorists' violence by the state forces and the establishment of the peace in Punjab has not only ended the hysteria of Khalistan Movement among the Sikhs, but it also revealed the misdeeds of its activists but also cleared the misconception regarding the Sikh- patriotism towards India. It is pertinent to mention that the Sikhs who have been forced to be silent due to the fear psychos created by the terrorist violence has openly came out in support of security forces against the terrorist when they saw the ray of hope to end the long prevailing violence and fear of terrorists.<sup>11</sup>

The modes operandi of the terrorist in the both states is same and their first attempt was to silent the opponent by the using the violence and killing the innocent members of the minority community. Their first attempt was to force the minority communities to leave the state due to the fear of got killed by the terrorists in both the states.<sup>12</sup> Thousands of Hindus have

<sup>9</sup> "Kashmir: Pakistan tries to isolate India over Article 370, gets a reality check", <http://www.indiatoday.in>, accessed: 08-11-2019, 11:00pm. also see: "Kashmir: Why Pakistan's campaign against Article 370 move", <https://www.indiatoday.in> > News Analysis, accessed : 07-11-2019, 11:00pm, "Pakistan says will challenge revoking of Article 370", [Livemint](http://www.livemint.com)<https://www.livemint.com> , accessed: 07-11-2019, 11:30pm, "At UNSC, China and Pakistan fail to censure India over Article ...", <https://www.livemint.com>, accessed: 07-11-2019, 11:20pm.

<sup>10</sup> "Imran Khan raises Muslim bogey over Kashmir, fails miserably..." <https://www.indiatoday.in> > News Analysis , accessed: 06-11-2019, 11:20pm also see: "Muslim nations ask Pak to engage in backdoor diplomacy with."

<https://m.economictimes.com> > News > International > World News, accessed: 06-11-2019, 11:20pm, "Saudi Arabia 'backs India' against Pakistan on Kashmir and ...", <https://theprint.in> > Diplomacy , accessed: 12-15-2019, 11:20pm, "Pakistan PM to accuse Modi of complicity in Kashmir 'terrorism ...", <https://www.theguardian.com> > world > sep > pakistan-pm-to-accuse-modi... accessed: 11-15-2019, 11:20pm.

<sup>11</sup> Malkit Singh, 2015, *State, Militancy and Human Rights: A Study of Punjab (1980-1995)*, Regal Publications, New Delhi, pp. 283-285.

<sup>12</sup> Wearing Indian Army fatigues, the killers arrived into the village in military vehicles in two groups at separate ends of the village where the

been forced to leaves their homes from Kashmir and Punjab to save themselves from the terrorists' violence.<sup>13</sup> Then their second attempt is to dominate the communities by killing the political opponents within the community. The third attempt of the terrorist is to target the families of the members of the armed forces and the local police, including the killings of the soldiers on the leave and the persons working in the government service.<sup>14</sup>

To occupy the prominence in the local set-up the terrorist organisations oppose every democratic organisations of the community and in the absence of the elected members of the Village Panchayats they acts as arbitrators on the local issues. They oppose the elections from Panchayat level to the Parliament and if someone dares to participate in the democratic set-up they try their level best to make them silent by using the violence against them. The next target is the educational institutions and bowing down the voices of the teachers in the schools , colleges,\ and even the Universities are not left untouched from the senseless violence, perpetuate with an object to silent the voices of dissent.<sup>15</sup> The killing of Village *Sarpaches* (elected head of the village) by the terrorists in Punjab then and now in Kashmir can also be taken as the terrorist attempt to rule over the community through gun by killing their democratic representatives.<sup>16</sup>

The rapes by Islamic militants have been reported since the Indo-Pakistani War of 1947. On 22 October 1947, Pashtun militants invaded Baramulla in a Pakistan army truck, and raped women including European nuns.<sup>17</sup> In March 1990, the wife of a BSF inspector was kidnapped, tortured and gang-raped for many days. Then her body with broken limbs was

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two gurdwaras were located, while the villagers had been celebrating the Hola Mahalla festival. They ordered them to line up in front of the gurdwaras and opened fire, killing thirty-six people. "Chittisinghpura massacre – Wikipedia", <En.wikipedia.org> > wiki > *Chittisinghpura massacre*, accessed: 11-12-2019, 11:20pm.

<sup>13</sup> "Exodus of Kashmiri Hindus – Wikipedia", <en.wikipedia.org> > wiki > "Exodus\_of\_Kashmiri\_Hindus", accessed: 9-12-2019, 11:20pm., also see: "Exodus of Kashmiri Pandits: What happened on January 19", <www.indiatoday.in>, accessed: 07-12-2019, 11:20pm., "30 years on, return to homeland eludes Kashmiri Pandits",

<www.thehindubusinessline.com>, accessed: 06-12-2019, 11:30pm., "India must stop weaponizing the pain of Kashmiri Pandits", <www.washingtonpost.com> ., accessed: 06-12-2019, 11:30pm.

Malkit Singh, 2015, *op. cit*, No. 11, pp.339, 374, 377, 381. Satyapal Dang, 1989, *Genesis of Terrorism: An Analytical Study of Punjab*, Patriot Publishers, New Delhi, pp.39, 52, 402, 412.

<sup>14</sup> "Atrocities in Kashmir-KashmiriPandit Network (KPN)", <ikashmir.net>>atrocities, accessed: 12-12-2019, 10:00 am., accessed: also see: "List of terrorist incidents in Punjab (India)", <en.wikipedia.org>>wiki>, accessed: 28-11-2019, 10:00am.

<sup>15</sup> "Kashmiri Pandits remember educationists killed in 1997 by ..." <www.business-standard.com> > PTI Stories > National > News, accessed: 11-10-2019, 9:10am.

<sup>16</sup> "Militants gun down village sarpanch in Kashmir - India News", <https://www.indiatoday.in> > India > North, also see: "The Sarpanch killed by terrorists embodied humanity " , <https://news.vibesofindia.com> > the-sarpanch-killed-by-terrorists-embodied-, "Government officer, sarpanch killed, 6 others injured in two"

<https://timesofindia.indiatimes.com> > india > articleshow, "sarpanches, panches resign after Palhalan killing in Kashmir", <https://www.hindustantimes.com> > india > , "How militants, govt killed the Panchayati Raj in Kashmir ", <www.firstpost.com> > india, accessed :11-10-2019, 9:00am.

<sup>17</sup> *Wilhelm von Pochhammer*, 1981, *India's Road to Nationhood: a Political History of the Subcontinent*. Allied Publishers, New Delhi, pp. 512

abandoned on a road.<sup>18</sup> On April 14, 1990, a Kashmiri (Pandit) nurse from the Sher-i-Kashmir Institute of Medical Sciences in Srinagar was gang-raped and then beaten to death by terrorists. Jammu Kashmir Liberation Front (JKLF) took responsibility for the crime, accusing Bhat of informing the police about the presence of militants in the hospital.<sup>19</sup>

In January 1991, a woman was forcibly asked to "marry" a militant. Her brother was killed when the family refused, and the girl was taken away.<sup>20</sup> On 30 March 1992, armed militants demanded food and shelter from the family of the retired truck driver in Nai Sadak, Kralkhud. The family complied, but the militants killed the owner and raped his daughter and wife. Then both the women were also shot dead.<sup>21</sup> In 2005, a 14-year-old Gujjar girl was abducted from Lurkoti village by the Lashkar-e-Taiba militants, and forced to marry one of them. She was gang-raped by her "husband" and his militant friends. In December 2005, 15-year-old of Bajoni (Doda district) was forced to marry a Hizb-ul-Mujahideen militant, after her family was threatened with death.<sup>22</sup>

In 1992 case of rape and murder by militants become a serious issue and it provoked street protests condemning the militants for the crimes. The incident involved the family of a truck driver named Sohanlal, 60, who lived in Nai Sadak, Kralkhud. At about 8:30 p.m. on March 30, 1992, armed militants entered Sohanlal's home, according to his son, the men demanded food and shelter. The family complied. After about two hours, Sohanlal and his wife, Bimla, heard their daughter, Archana, crying for help from a room on the ground floor of the house. When they reached the room, the militants shot Sohanlal, killing him instantly. The bodies of the two women were discovered in the street outside the house. According to the autopsy report, both women had been raped before being shot. According to one report, 5,000 women staged a protest march to condemn the rapes and murders.<sup>23</sup>

The Kashmir, once known for its mesmerizing beauty, peace and tolerance in the world, has been seen as a bloody conflict zone, since 1989. Over the years, a numbers of Confidence Building Measures (CBMs) were taken by the Central and State government, but all the initiatives failed to bring long-term peace in the region.<sup>24</sup> The government initiatives to have a dialogue with the separatists and peaceful solution of the problems have been derailed by the violence of ultras many times. The experiences of holding talks with the

ultras and the separatists by the three Prime Ministers of India had also not yielded any positive results.<sup>25</sup>

The voices of protest and resentment against the gruesome violence of terrorists have been not only completely silenced by the terrorists in the Kashmir valley, but the youth and women are also forced to throw stones on the Indian security forces during their search operations.<sup>26</sup> The dictators of the terrorist can force the people to shut their shops business and the schools across the valley and even the dress code for the women the non-compliance can be punished by the terrorists with the torture and death warrants.<sup>27</sup> The large numbers of people are forced to join the funerals of militants and they are also obliged to shut their business for many days to mourn the killing of these militants.<sup>28</sup> The environment of fear-psychosis created by the terrorists and their supporters created a misconception among the common people that the terrorists are ruling the state against the well equipped Indian security forces.<sup>29</sup>

The economy of the state is ruined as the business of tourism is impacted by the violence and fear psychosis created by the indiscriminate violence of terrorists. The wood industry and the ecology of the state have suffered a lot and area under the forest cover has been decreased to a large extent. The natural resources are getting empty due to the lack of responsible and democratic governance and the smuggling of the rare species and herbs with café of the revival of these resources by the anti-social elements in the state.<sup>30</sup>

The central government has decided to deal with the terrorism and secure the future of the people of Jammu and Kashmir by adopting the policy of "nip the evil in bud" and increased the strength of security forces in Kashmir after the Pulwama attack. The security forces are given the emergency powers to deal with the terrorists in the inside and outside of the territory of the state.<sup>31</sup>

<sup>25</sup> Maloy Krishan Dhar, 2005, *Open Secrets: India's Intelligence Unveiled*, Manas Publications, New Delhi, p. 384, also see: Ram Naryana Kumar, 2008, *Terror in Punjab: Narrative Knowledge and Truth*, Shipra Publications, New Delhi, pp. 278, 281-282.

<sup>26</sup> "Stone pelting in Kashmir - Wikipedia", en.wikipedia.org › wiki › "Stone pelting in Kashmir, Toy guns, covert cops: Jammu and Kashmir Police plants its men among stone pelters to catch real culprits in action - Firstpost". [www.firstpost.com](http://www.firstpost.com), accessed: 31-10-2019, 10:00am

<sup>27</sup> "Kashmir women forced to wear burqas - Irish Times", [www.irishtimes.com](http://www.irishtimes.com), also see: "Kashmir women face threat of acid attacks from militants" [www.independent.co.uk](http://www.independent.co.uk).

<sup>28</sup> "Taking steps to prevent militants appearing at funeral of their", [www.indiatoday.in](http://www.indiatoday.in), also see: "Cops seek to ensure low-key funeral of terrorists in J&K", [timesofindia.indiatimes.com](http://timesofindia.indiatimes.com), "Terrorist threats against opening schools, shops in Kashmir", [www.indiatoday.in](http://www.indiatoday.in), accessed: 11-11-2019.

<sup>29</sup> "How terror in Kashmir has gone from bad to worse", [www.businesstoday.in](http://www.businesstoday.in), also see: "Kashmir's disturbing new reality the young militants of Kashmir", [www.hindustantimes.com](http://www.hindustantimes.com)

<sup>30</sup> Article 370 revoked: How Articles 370, 35A killed Jammu & Kashmir's economy, [www.businesstoday.in](http://www.businesstoday.in), also see: "Impact of terrorism on Jammu & Kashmir's ecology and economy", [www.efsas.org](http://www.efsas.org), "Impact of terrorism on Jammu & Kashmir's ecology ... Insurgency in Jammu and Kashmir - Wikipedia" [en.wikipedia.org](http://en.wikipedia.org), accessed: 9-11-2019, 10:30pm.

<sup>31</sup> "Pulwama to Surgical Strike 2: Production houses put up tough fight for film titles", [www.indiatoday.in](http://www.indiatoday.in), also see: "19 minutes, 12 jets, a big target: This is what the IAF did in Pakistan while you were asleep", [economictimes.indiatimes.com](http://economictimes.indiatimes.com), 2019 Balakot airstrike - Wikipedia", [en.wikipedia.org](http://en.wikipedia.org), After Pulwama attack, Modi govt gives emergency powers to armed forces, [economictimes.indiatimes.com](http://economictimes.indiatimes.com) › News › Defence Pulwama terror attack: Security forces given free hand, says ... [www.business-standard.com](http://www.business-standard.com) › Economy & Policy › News

<sup>18</sup> Manoj Joshi, 1999, *The Lost Rebellion*. Penguin Books, New Delhi, p. 64.

<sup>19</sup> Urvashi Butalia, 2002, *Speaking peace: women's voices from Kashmir*. Zed Books, New Delhi, p. 187.

<sup>20</sup> Manoj Joshi, 1999, Op.cit. No. 19 p. 64.

<sup>21</sup> The human rights crisis in Kashmir - Human Rights Watch, [www.hrw.org](http://www.hrw.org), accessed: 13-12-2019, 9:00am.

<sup>22</sup> "Married to brutality Deccan Herald 25 February 2006", [www.lookchup.com](http://www.lookchup.com) [www.hrw.org](http://www.hrw.org) accessed: 13-12-2019, 9:10am.

<sup>23</sup> "rape in Kashmir - Human Rights Watch", [www.hrw.org](http://www.hrw.org), accessed: 11-10-2019, 9:00 am., also see: Harinder Baweja, "People Turning Against Militants," India Today, May 31, 1992, p.42.

<sup>24</sup> "what is the Vajpayee doctrine on Kashmir that Mehbooba ..", [www.indiatoday.in](http://www.indiatoday.in), accessed: 11-10-2019, 1:00 pm., also see: "Vajpayee's 'insaniyat' remark wasn't one-off, his team worked", [theprint.in](http://theprint.in) › Opinion, 11-10-2019, 1:30pm "Manmohan Singh calls for a fresh beginning in Kashmir", [www.indiatoday.in](http://www.indiatoday.in), "Kashmir dialogue must, but solution 'within Constitution': PM", [www.afternoonvoice.com](http://www.afternoonvoice.com), accessed: 12-11-2019, 10:30pm.

The constitutional or legal illusion of the Article 370 under which separatists and the anti-national forces thought that the case of Kashmir is different from the other states of Indian union and centre can't intervene in the internal matters of the state has been also kaput by the revocation of the article 370 by the Parliament. The Central government took very active steps to derail all the plans of the separatists forces by divided the J&K into 2 Union Territories. The government move on the Kashmir issue not only showed that India will no longer tolerate the terrorism and anti-national forces within or outside its territory but it also proved that the Central Government is committed for the fast growth and development of the region which is suffering due to the Article 370 and terrorism from long time.<sup>32</sup>

The long pending demand of the Buddhist region of the State for autonomy from Article 370 and the development of the region have been fulfilled by the division of J&K into 2 Union Territories. The Buddhist majority region of the old J&K has welcomed the decision of the Central government as it has provided them the new platform of development and empowerment which was hurdled by the Article 370.<sup>33</sup> Moreover, the state which was struggling with the financial crisis has now become the direct responsibility of the Central government and the conditions of government employee is improving as they can now get the benefits of 7 Pay Commission instead of 5 to which they were getting before the division of J&K into Union territories. The increased financial assistance to the state will improve the chances of development and redistribution which will accelerate growth of the state.<sup>34</sup>

The government move to tackle with separatism and the long prevailing violence in Kashmir has been bitterly criticized under the guise of human rights by the supporters of the separatists and terrorists. Although the political parties in the opposition couldn't garner any strength to take the political benefit from the government inside the Parliament. However, the political calculation and the compulsions of the voting politics forced them to oppose the government in the name of secularism, democracy and constitutionalism.<sup>35</sup>

<sup>32</sup> "Revocation of the special status of Jammu and Kashmir", [en.wikipedia.org/wiki](https://en.wikipedia.org/wiki/Revocation_of_the_special_status_of_Jammu_and_Kashmir), also see: Removing Article 370, 35A key steps in fulfilling Sardar Patel's. [www.indiatoday.in/India](http://www.indiatoday.in/India), accessed: 3011-2019: 10:00am.

<sup>33</sup> By Vijaya Pushkarna "With Ladakh becoming union territory, a long-pending demand gets fulfilled", [www.theweek.in](http://www.theweek.in), also see: "Ladakh UT status: Most Leh people happy; many confused", [economictimes.indiatimes.com/News/Politics\\_and\\_Nation](http://economictimes.indiatimes.com/News/Politics_and_Nation), "With Article 370 gone, future of Ladakh now is very bright", [www.livemint.com](http://www.livemint.com), accessed: 11-11-2019, 10:00pm.

<sup>34</sup> "7th Pay Commission: Modi govt makes big announcement for J&K, Ladakh; 4.5 lakh employees to benefit", [www.businessstoday.in](http://www.businessstoday.in) › *current* › *economy-politics* › *story*, "Removal of Article 370 will bring stability, market access, predictable laws to Kashmir: PM Modi", [www.businessstoday.in](http://www.businessstoday.in) › *current* › *economy-politics* › *story*, accessed 19-11-2019, 10:00am.

<sup>35</sup> "Indian Revocation of Kashmir's Special Status | Center for ..." <https://www.csis.org/analysis>, accessed: 10-10-2019, 1:40pm., also see: "The Political Impact of India's Removal of Jammu & Kashmir's", <https://southasianvoices.org/understanding-the-political-impact-of-india/>, accessed: 10-10-2019, 1:30pm., "Kashmir: The effects of revoking Article 370 – House of ...", <https://commonslibrary.parliament.uk/world-affairs/asia/kashmir-the->, accessed: 11-11-2019, 1:00am., "Pakistan: Life after articles 370 and 35A | ORF", <https://www.orfonline.org/expert-speak/pakistan-life-after-articles-370/>, accessed: 11-11-2019, 1:40pm., "India revokes disputed Kashmir's special status with rush", <https://www.aljazeera.com/news/2019/08/india-abolishes-kashmir/>,

The deployment of more forces and non-tolerance of the terrorism, preventive detention of the some state-level political leaders by the security forces and the stopping of the internet and mobile services in the state has been taken as a serious violation of the human rights by some international human rights organization as well as by the political opposition, even before accessing the situation.<sup>36</sup>

Unfortunately the positive out-comes like the fulfillment of the long pending demands of the people of two important regions of Jammu and Ladakh has been ignored by the political opposition. More importantly the declining of the incidents of terrorism with the short-span of 4 months despite of the increased efforts by the Pakistan Army to infiltrate the terrorists into the Indian territories shows the positive results of the government initiative.<sup>37</sup> The declining terrorists' incidents and restoration of the land phone services in the Kashmir proves that the government move is to restore the law and order in the state so as also to ensure the right to life with dignity along with the other human rights.

### Conclusion

The government move to tackle the long prevailing violence of the terrorists in the Kashmir is aimed to restore the rule of law and normalcy in the state. The stopping of the internet and mobile services can be taken as the emergency measures which have been taken by the government to avoid the misuse of communication sources by the terrorist outfits during any volatile situation. It shouldn't be taken as the violation of human rights and right to freedom of expression in a state where the right to life is under threat due the indiscriminate violence.

The example of the curbing of terrorists and establishing of peace by the security-forces in Punjab is just at the door-steps of the J&K. It is pertinent to mention that even the mainstream political party like Akali Dal leaders refused the invitation from the Union government to attend all party meeting to discuss a solution to the Punjab Problem in 1991.<sup>38</sup> In January 1992, even before the government announced the holding of elections in Punjab, the *Panthic Committee* and separatists forced the Akali leaders to unambiguously announce their decision to boycott the elections. On 8 February 1992 the then Defence Minister announced that soldiers were doing rounds of 12,000 villages to ensure that the terrorists did not interfere against the people right to franchise. With the majority of Akali behind the bars, the polling took place on 19 February, 1992.

accessed: 11-11-2019, 1:40pm., "BJP murdered Constitution, Ghulam Nabi Azad condemns", <https://www.indiatoday.in/India>, accessed: 11-10-2019, 1:40pm., "Article 370: Congress divided over abrogation of special", <https://www.indiatoday.in>, accessed: 11-10-2019, 1:40pm., "Congress leaders supported abrogation of Article 370 in 1964", [https://economictimes.indiatimes.com/News/Politics\\_and\\_Nation](https://economictimes.indiatimes.com/News/Politics_and_Nation), accessed: 11-10-2019, 1:40pm.

<sup>36</sup> "End to the Abuses in J&K Cannot Come Without the involvement Of Its People", [amnesty.org.in](http://amnesty.org.in), "Government of India's Political Leadership in J&K troubling", [amnesty.org.in](http://amnesty.org.in), accessed: 11-19-2019, 10:00pm.

<sup>37</sup> "Terror incidents down in Kashmir, infiltrations spike after Article 370 abrogation", [timesofindia.indiatimes.com](http://timesofindia.indiatimes.com), also see: "Terrorist violence down in Jammu and Kashmir since Art 370 axing: Govt.", [www.sakaltimes.com](http://www.sakaltimes.com), accessed: 5-12-2109.

<sup>38</sup> Ram Kumar Naryan, 2008, *Terror in Punjab: Narrative Knowledge and Truth*, Shipra Publications, New Delhi p.215

The voting turn out in the rural areas remained 5 to 20% and in the urban areas 25 to 45% voting turnout was reported. Some of the rural constituencies were reported to register much less turn out. The media reports revealed that the large numbers of rural farmers were shaphered to cast their vote during the elections by the security forces.<sup>39</sup> The results lacked the legitimacy due to low turnout. However, the elections saw the return of Congress in power with two-third majority in the State Assembly. Congress won 87 out of 117 assembly seats contested and also won 12 out of 13 parliament seats.<sup>40</sup> Beant Singh became the Chief –Minister.

The transformation of Punjab was swift and dramatic. A noted journalist Kanwar Sandhu, writing for *India Today*, described the situation, exactly one year after Beant Singh had taken over: "Punjab descent into terror and chaos was gradual. Its recovery has been defeated by the militant gun power. Not much was expected from Beant Singh government which somewhat lacked legitimacy. But the state as well as Beant Singh managed to thwart the problem of doom. The killings fields are back to being the granaries of the country. The migrants are returning, claiming their factories. Folk songs are back on the feisty Punjabis' lips. The state highways are roaring with vehicular traffic and petrol pumps and *dhabas* (roadside café) are open to business till late in the nights. The guns are there but they belong to the police. The militants press handouts and threatening calls to newspaper offices have ceased... Now, for the first time in a decade Amritsar and Gurdaspur districts (near the border with Pakistan) have not reported any terrorists' strikes in the past three months."<sup>41</sup>

The government decision to revoke Article 370 and deployment of more security-forces in the state of J&K can be taken as the government efforts to deal with the terrorists with hard hands to establish law and order in the state, which is very necessary for the protection of the human rights of the common citizens. The immediate reaction to the government decision by the political parties in opposition may be result into the demoralizing of the security-forces which are fighting against the all-odds to earn the peace in the state.

The question of the violation of human rights by the security forces can only be addressed after the establishment of peace, because until and unless the law and order is not secured in the state, the civil society groups can't move freely and impartially. The Punjab experience on the allegation of the violation of human rights by the security forces can be taken to ensure the people that the state forces are ruled by the state code of conduct and they can be held for their conduct even during the volatile situation like once in Punjab and now in Kashmir.

It is pertinent to mention that the writ petitions of the Human Rights Groups on the violation of the human rights by the security-forces during the terrorism in Punjab are entertained by the Punjab and Haryana High-Court, the Supreme –Court and also by the National Human Rights Commission. The cases of the violation of human rights by

the state forces are duly entertained by the National Human Rights Commission as well as by the Courts and the family members of the victims were given the compensation by the government even in the minor cases like if it is found on the part of state forces to protect the persons in their custody due to the negligence.<sup>42</sup>

The most shocking was that the numbers of the victims of the indiscriminate violence of the terrorists including children, women and family members who were left to fend them against the all-odds of life during the volatile situation. These families were broken economically as well as socially as they not only lost the bread winners of their family but they also lost the support of community in the of the fear-psycho environment as the relative and community left them alone due to the fear of terrorist violence for helping the victims. In the bleak hours state not only performed its duty to protect them from the terrorist but also ensured a dignified life for them, the parents, widows and children of the victims of the terrorists were provided with the social well-fare measure like pension and reservation in the government services etc.<sup>43</sup>

There is no doubt that the human rights are the basics of life but the law and order is also basic of human rights, so for a fair and impartial investigations regarding the allegation of the violation of human rights by the security forces are possible only after and establishment of law and order in the state. The security forces are working hard to establish law and order and they also bide by the code of conduct of the state.

<sup>39</sup> Tim Marker, "Scared Punjabis are shepherd to polls", 20 February 1992, *The Independent*, coded in Ram Kumar Naryan, 2008, *op. cit.*, No.43, p.298.

<sup>40</sup> TNS, "Peaceful poll, low turnout", *The Tribune*, 20 February, 1992, also see: TNS "Record Majority for Congress" *The Tribune* 22 February, 1992.

<sup>41</sup> Kanwar Sandhu 1993, " Punjab: Normal Life at Last", *India Today*, 28 February, 199

<sup>42</sup> Malkit Singh, *op.,cit.*, No11, p.48

<sup>43</sup> *Ibid.* pp.329-383, see the reports on the victims of the families of the victims of Terrorists.