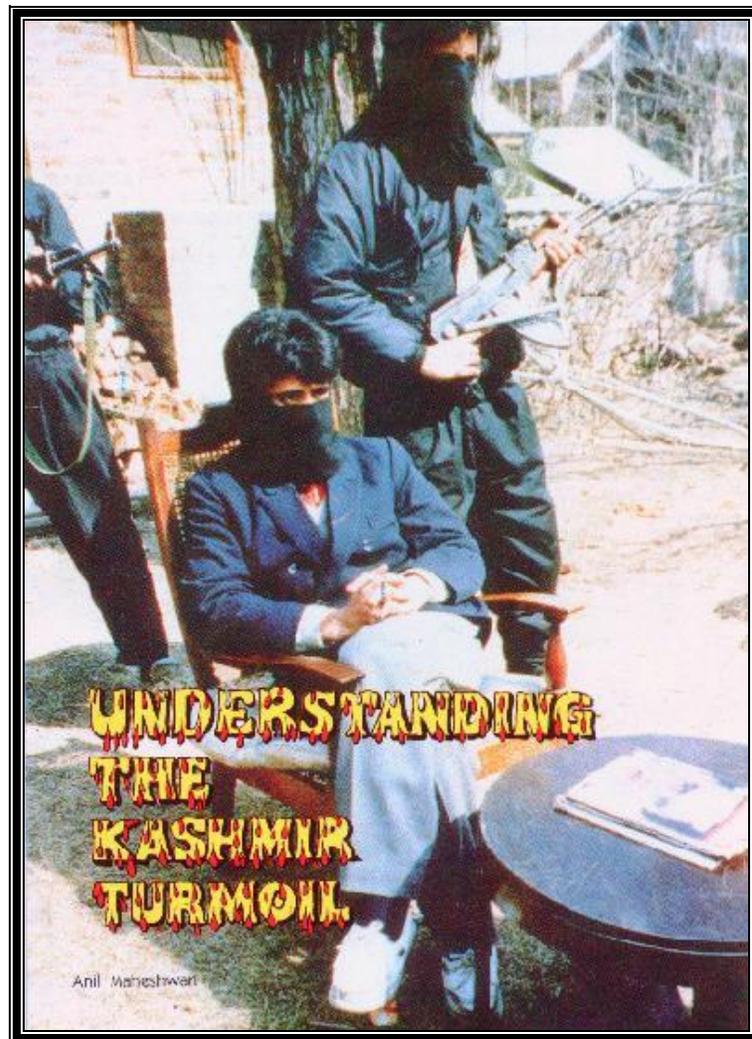


Understanding the Kashmir Turmoil

by Anil Maheshwari



Page Intentionally Left Blank

Understanding the Kashmir Turmoil
by Anil Maheshwari

First Edition, *September 2002*

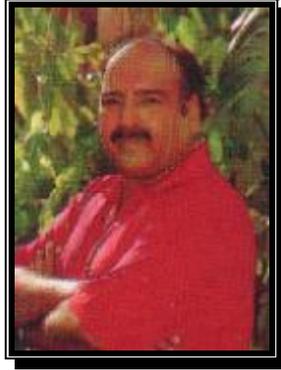
Contents

	page
Contents.....	v
1 Introduction.....	1-2
2 About the Author	2-3
3 Understanding The Kashmir Turmoil	3-4
4 Human Rights: Kashmir Incredibility syndrome	4-5
5 Strategy of Terrorism	5-6
6 Forced Migration from Kashmir	6-7
7 Fundamentalism and Human Rights	7-8
8 Whose Human Rights are being violated ?	8-9
9 Pakistan's Track Record of Human Rights	9-10
10 Systematic Killing of Hindus.....	10-12

1 Introduction

Kashmir, the most picturesque area in this part of the world, known for its beauty, gardens and gentle people has been reduced to a region of ghosts because of the devious means adopted by Pakistan to incite the people by giving them arms and instigating them into terrorism. This booklet gives a brief insight into the role of Pakistan and the pitiable condition of the people of Kashmir.

2 About the Author



Anil Maheshwari, Principal Correspondent of The Hindustan Times, a leading Indian daily newspaper has covered the Kashmir rally extensively from June 1989 to May 1990, the period when hell broke loose there. He has contributed articles for the Economic & Political Weekly (EPW), the Frontier, India Today, Indian Press, Weekend Review, Morning Echo, Sunday Observer & Sportsweek.

He specializes in covering terrorists' activities in various north Indian States and communal riots, frequently fissuring the social fabric in the Northern India.

3 Understanding The Kashmir Turmoil

Kashmir, which was once described by Mahatma Gandhi as an island of secularism in the Indian sub-continent, is in turmoil. Yes it is. It is only democracy that provides an outlet whereby political grievances can be aired, positions narrowed and accomodation achieved. A democracy can deal with a movement of political dissent by talking, discussing and acting. It cannot when the other side does not believe in talking, does not believe in an opposition or representative government, in fact does not believe in democracy itself.



Destruction of houses by Pak Trained terrorists

Kashmir, therefore, represents, a major challenge to Indian democracy, in fact to all democracies how can a democracy confront a non-democratic system that only uses catchy democratic phrases such as Human Rights, self-determination etc. in the furtherance of its 'cause' while denying all such democratic values itself ? How can a democracy take on a religious crusade, "Jehad", that does not believe in democratic tenets but exploits them to the hilt for advancing its vested interests ?

Pakistan has claimed for itself a role in speaking for the Indian Muslims, in general, and the Kashmiris in particular. It has claimed the right to extend moral and political support to them. Its covert support in terms of providing arms and training, to terrorists and subversives has already been well documented and exposed.

This tract takes a close look at the situation in Kashmir and at Pakistan's own track record as a 'champion of Human Rights'. Can human rights, essentially a democratic concept, be applied selectively ? Whose human rights are being violated anyway ? What is Pakistan's own record in respecting human rights - and treatment of minorities ? What does self-determination mean in an Islamic context?

4 Human Rights: Kashmir Incredibility syndrome

The legal position of both India and Pakistan on Kashmir does not need any repetition. The moot point, however, is that the turmoil in Kashmir has transcended the legalities of the accession of the state in 1947, and the insurgency is not a phenomenon of political dissent or a movement meant to change the government but it is a "jihad", a religious crusade against the non-conformists. All Pakistani politicians, from the President downwards, of all hues and colours, the state owned electronic media as well as the print media as a part of the disinformation campaign speak in religious terms the turmoil is called 'Jehad-e-Kashmir', the terrorists are called 'Mujahids' (soldiers of Islam), the terrorists, killed in the Armed forces action are called Shaheed (martyrs) and so on.

The covert objective of the so called jihad is to complete the 'unfinished agenda of partition' by incorporating the Muslim Majority state of Jammu and Kashmir in Pakistan in terms of the two nation theory that had rent the sub-continent apart in the past. The two-nation theory - that Hindus and Muslims constitute separate nations - has already miserably failed, with the creation of Bangladesh. Moreover, the ethnic and sectarian violence rocking several provinces in Pakistan and the bare fact that the Muslims, living in India outnumber the Muslims in Pakistan have nullified the said two nation theory which was born out of political expediency.

Notwithstanding this Pakistan still cherishes fond hopes to revive the theory, justify its existence and give renewed impetus to its ideological moorings in Kashmir valley.

5 Strategy of Terrorism

Obstructing Pakistan's designs have been the Hindus, who have lived in Kashmir for centuries, in fact even before the birth of Islam. Also in the way is 'Kashmiriyat' - the Kashmiri way of life, an essentially secular and peaceful spirit that every Kashmiri, whether a Hindu or a Muslim, is proud of. Such a spirit had already frustrated the designs of Pakistan in 1948 and 1965.

Therefore, Pakistan has resorted to killing Hindus systematically and methodically while at the same time introducing religious indoctrination, by misusing mosques and other available platforms, in a bid to frighten the secular Muslims.

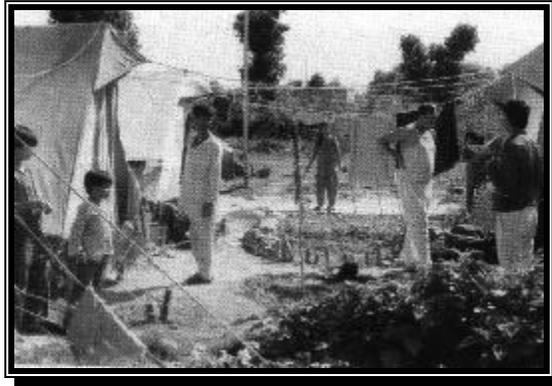
As part of unleashing terror under the cover of self determination at the behest of Pakistan, the terrorists have virtually ransacked libraries in educational institutions and prohibited books which did not conform to their brand of knowledge. No wonder, more than 2,003 titles were 'pruned'. They included all books of knowledge, Milton's Paradise Lost, G.B. Shaw's plays etc. As part of the Islamisation drive the terrorists used their gun power to convert the canteen hall of Kashmir University into a mosque. Classes where Darwin's Theory of Evolution was taught were asked to close since it did not conform to the Islamic tenets.

The list of innocent persons who fell prey to the bullets of terrorists is again illustrative of the Islamisation drive. The victims included prominent educationists and subscribers to secular ideals. Professor Mushir-ul-Haq, Vice Chancellor, Kashmir University who was kidnapped and shot dead during 'Ramadan', the holy month of fasting in the Muslim calendar, Sarvanand Kaul 'Premi', a poet who used to take pride in reciting The Quran, P.N. Handoo, Assistant Director, Information and octogenarian Maulana Mohammad Syed Masoodi, a renowned Muslim scholar were among such victims at the hands of the terrorists.

The motivation is obvious. There were people like them who could see the game and had the courage and conviction to speak out against the evil designs and hence some of them had to be singled out for silencing-all in the name of self-determination and human rights, of course.

6 Forced Migration from Kashmir

In the wake of ongoing terrorists' violence, more than 50,000 families have migrated from strife torn Kashmir valley and got themselves registered with the government authorities in various districts in Jammu region by the end of November 1990. Among them 45,275 families were registered at Jammu itself. They included 215 Muslim, 8270 Sikh and 35459 Hindu (Kashmiri Pandit) families besides 1331 other families. Since then a good number of Muslim families have fled away from the Kashmir valley and barring a handful numbering not more than 100, no Hindus have been left in Srinagar city.



Migrants from Srinagar living in Camps.

The systematic process of killing the Hindu population began as early as on February 27 in 1990 when Mr. Tej Krishan, a Hindu was hanged to death at Yachikot Lidder near Pahelgam in Anantnag district of the Kashmir valley. On April 22 same year the body of Joginder Malhotra was recovered by the police from Safakadal locality in Srinagar city. He was found to have been hanged to death. After five days, terrorists intruded in the house of Bharat Bhushan, another Hindu who was a medical assistant. He was abducted by the terrorists. His body was later found hanging from a tree. The process continued. The list is a long one and the stories of torture unleashed on the Hindu population are heart rending.

Three Probationary officers of the Life Insurance Corporation of India (LIC), an autonomous body, were abducted by the terrorists from a public park on June 23 in 1991. They were severely tortured and locked in a vacant house of a Hindu migrant. The house was later set on fire. Two of them died in the fire while the lucky one was rescued by the police and rushed to the hospital.

In October 1991, the terrorists embarked upon setting fire to the vacant houses of the migrants in another systematic manner. On October nine, the Devi Temple at Baramulla was set on fire. The roof of the temple was gutted in the fire. The same day the house of a Hindu, was gutted in Kupwara town, about 50 kms from Baramulla. The process is continuing. It seems that the terrorists after killing the entire Hindu population from the Kashmir valley now want to close down any process of return of the Hindu population by burning their vacant houses, their last link with the valley.

7 Fundamentalism and Human Rights

The concept of Human Rights is a democratic one. It is based on the principle of the essential freedom of the human being and respect for his person. It is a concept in which it is believed that man has certain inalienable rights that are universal. Can a state such as Pakistan that does not believe in the equality of man and woman, where a woman's testimony is only treated as half that of a man, talk about self-determination and human rights ?

In Pakistan, women who constitute about 52 per cent of the population are legally treated as second class citizens. The minorities are legally treated as second class citizens. Even the Shia community among the Muslims who constitute about 20 per cent of the population is not treated at par with other citizens. To cap it all, the denial of equal rights to each and every citizen is justified under the cover of Islam.

The Islamic fundamentalists are, however not satisfied with denial of equal rights to a sizeable section. They want that:

1. The Sharia (Koran and Sunnah) should be the basic law of the land.
2. The state should be ruled by a single man (Amir) whose tenure of office and power is limited only by his adherence to the ideology of Islam.
3. The Amir is to be assisted by a 'shura' (Advisory Council), consisting of men with the qualifications to make valid applications of the 'sharia'.
4. There should be no political parties and no provision for an opposition.

Obviously, such a system is the anti-thesis of democracy. In a system that does not permit opposition, how would the human rights of the opposition be treated ? The passage of the Shariat Act, the 'huddood' and 'zina' ordinances in Pakistan are the pointers towards the direction in which Pakistan is heading. Under such circumstances, can Pakistan afford to talk about human rights ? Would not the Kashmiris meet the same fate, if accession of the Kashmir valley with it is forced?

8 Whose Human Rights are being violated ?

Pakistan is trying to focus exclusively on Indian Security Forces action against terrorism, masking the fact that state action cannot be treated as an isolated phenomenon of human rights violations in an atmosphere of continued terrorists' violence.

In fact it is terrorists' violence that ultimately determines the limits and extent of state action to contain it. Unfortunately, for all their efforts, the human rights organisations, too, have also focussed almost exclusively on state action and not on the activities of the terrorists that prompted the state action in the first place.

Terrorists' violence per se is a violation of human rights. The resolution of the UN General Assembly on measures to prevent international terrorism, passed on December 9 in 1985 followed by the Security Council resolution after nine days, inter alia "unequivocally condemned as criminal, all acts, methods and practices of terrorism wherever and by whom ever committed, including those who jeopardised the friendly relations between states".



Pak rangers imparting arms training to Kashmiri Youth

Don't the terrorists have any responsibility ? And by focussing exclusively on state action, is not Pakistan guilty of distorting the reality?

Moreover, are Human Rights meant only to protect a few fundamentalist Muslims in Kashmir against the authority of the state ? Do they not equally involve protection of the Hindus, Buddhists, Shia Muslims and others against the extermination, persecution and threat? Are they not to be allowed their traditional way of life or are they to be swept under by a religious crusade aiming for Islamisation ?

The right of self-determination that Pakistan is championing is in fact a ploy for the creation of a religious state in which religious minorities and women are subjected to servitude. The slogan of Islamic Jihad in Kashmir is itself a negation of the Declaration of Human Rights.

That apart, even less attention has been paid to the plight of migrants, majority of them Hindus, who have been terrorised to migrate from their homes in the Kashmir valley. These migrants have been reduced to live in pitiable conditions, particularly during the winter months, in shabby accommodation or in open. Ironically, the arrested terrorists are in prisons with proper food, clothes and shelter. Are their Human Rights not worth anything ? Do they not even have the right to live ?

9 Pakistan's Track Record of Human Rights

On the other hand, the report on the state of Human Rights in Pakistan during 1990 and 1991, prepared by the Human Rights Commission of Pakistan is an eye opener about denial of basic rights to the majority of the population.

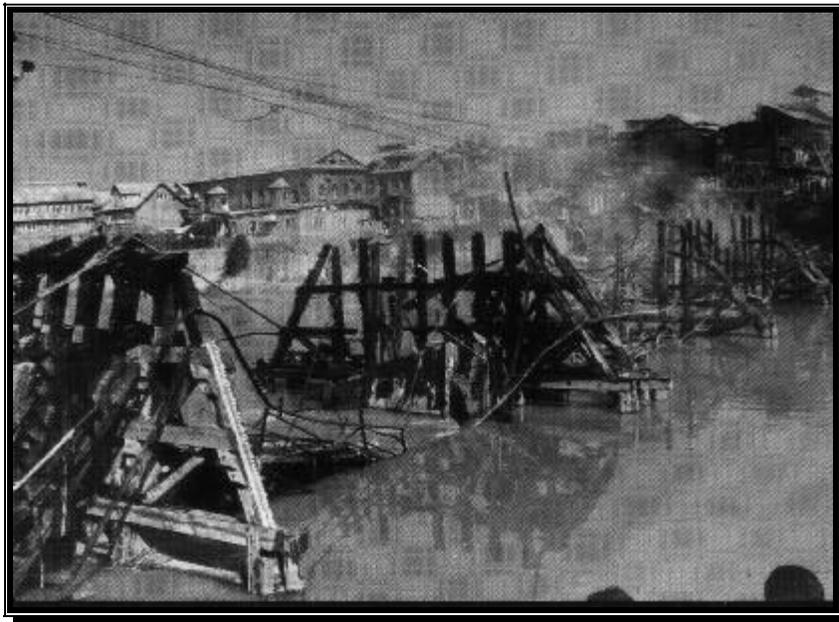
According to the commission:

"The state has shown little interest in accepting the international Human Rights standards".
"The courts cannot invoke international Human Rights values as is being done in several countries such as India because the state does not acknowledge them".

"Lack of interest in bringing the country's basic law in conformity with international Human Rights and norms, keeps alive the danger of new encroachments on whatever fundamental rights are provided in the constitution, particularly through the exploitation of religion".

"A particularly reprehensible tendency is for the state to free itself of its human rights obligations on the pretext of the supremacy of belief, tradition or custom".

Similarly, Pakistan which smugly claims to be a champion of Human Rights in Kashmir has steadfastly and deliberately ignored the following International conventions and protocols on Human Rights by declining to even sign them:



Destruction of a Bridge in Srinagar by terrorists

- International Covenant on Economic, Social and Cultural Rights;
- International Covenant on Civil and Political Rights;
- Optional Protocol to the International Covenant on Civil and Political Rights;
- Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;
- International Convention against Apartheid in sports;

- Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against humanity;
- Convention on the elimination of all forms of Discrimination against Women (CEDAW)
- Convention on consent to Marriage, Minimum age for Marriage and Registration of Marriages;
- Convention on the Reduction of statelessness;
- Convention relating to the Status of stateless persons;
- Convention relating to the Status of Refugees;
- Protocol relating to the Status of Refugees.

10 Systematic Killing of Hindus



**Bansi Lal Saproo R/O: Gulab Bagh
Killed on 24.4.1990**



**Choni Lal Koul R/O: Churath,
Kulgam**



**Ramesh Kumar Raina
Killed on 28.5.1990**



**Raju Sharma
Killed on 8.6.1990**



**Chota Lal Maisuma
Killed on 7.6.1990**



**Avtar Krishan
Killed on 14.6.1990**



Janki Nath
Killed on 26.7.1990



Rattan Lal Raina
Killed on 18.8.1990



Omkar Nath Kak
Killed on 29.8.1990



Bansi Lal
Killed on 30.8.1990



Dwarika Nath
Killed on 13.9.1990



Rajinder Prasad
Killed on 15.12.1990



Omkar Nath Raina



Shuban Lal Kullan



Dina Nath
Killed on 13.4.1990