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**Research Study – Role of Civil Administration  
In the Protection of Human Rights  
In Strife-Torn Areas of Jammu and Kashmir**

**Wajahat Habibullah  
&  
Zulfiqar Hussain Shah**



Sponsored by  
**NATIONAL HUMAN RIGHTS COMMISSION**  
New Delhi



**Lal Bahadur Shastri  
National Academy of Administration  
Mussoorie - 248 179 (Uttaranchal)**

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223

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## FOREWORD

The State of Jammu & Kashmir has for the past decade been an area of national concern. In dealing with the disturbances the State and Central governments have often had to face criticisms. As part of its programme of working with the Lal Bahadur Shastri National Academy of Administration to help sensitize government authorities to the need for protection of human rights under India's constitution and our adherence to the highest international covenants on the issue, The National Human Rights Commission had supported a programme to examine the role of the civil administration in J&K in this regard. The project was undertaken as a survey at the grassroots level spanning the 6 districts of the Kashmir region of J&K, which has seen the worst of the militant onslaught.

For reasons mentioned in the Introduction to the Report, it cannot claim to be exhaustive. It can claim however to have initiated study of an area as yet unexplored. Of particular value is the public's own recommendation's on steps that need to be taken to facilitate the restoration of normalcy in an area that has faced unprecedented social convulsions. The task was often difficult. The work of the research assistant Shri Zulfiqar Hussain Shah who located in Srinagar was able to conduct the fieldwork despite these difficulties therefore deserves to be commended. Shri M.H. Khan, Deputy Director (Senior) of the LBSNAA, through his consistent interest and support has made it possible for this project to be brought to a satisfactory conclusion, despite my own shift from that institution. In this Shri Ashish Patel who worked overtime to compile the documentation has ably assisted him. Finally of course, I extend my gratitude to the government of J&K and to the LBSNAA for having helped in to many ways in the completion of the project. It is our hope that it will help the administration to identify areas of concern that require to be addressed so as to realize the 'healing touch', which is its declared policy.

Wajahat Habibullah  
December 9, 2003

## INTRODUCTION

The crisis in Kashmir, seeming to abate with the elections of 1996 which returned the State to a popular government after a singularly dismal spell of Governor's rule, was firmly back on the national and unhappily, the international agenda by 1998. Many reasons were sought for this and many explanations propounded: the two South Asian neighbours going nuclear raising the specter of nuclear conflict; Pakistan sponsoring infiltration by terrorists into Kashmir; the alleged imposition of a "puppet government" on the State by India; the international competition to dominate Central Asia with its emerging oil potential, to which Kashmir is adjacent and indeed geographic part. This setback seemed again to abate and hope revived in October 2002 which saw a new election in J&K proclaimed by India's government as the first in the State that was 'free and fair'. This was threatened once again by the resurgence of violence after September 2003.

Although each explanation will have its supporters and its critics, the heart of the problem lies in the need for resolution of the conflict within that unhappy state. Based on my own extensive experience in serving in the administration of the State and in dealing with it at the highest levels of the Government of India, I am convinced that if the parties involved were to agree simply to respect the aspirations of Kashmir's people, a resolution would be readily found.

The case of Kashmir is different to many similar ethnic conflicts in other parts of today's world. While Israel's problems and those of Ireland have come about because of what is perceived as military conquest of a people and the excesses and humiliation that necessarily follow, not easily, if ever forgotten, Kashmir had become part of India of its own volition. Subsequent and repeated blunders, looked upon by Kashmir's political leadership as habitual betrayal and fully exploited by our enemies, have brought us to the present sorry pass. Of course, the rulers have exacerbated the situation in both examples cited by the settlement of members of the victorious ethnic or religious group in parts of the conquered territory. This has rendered extrication anything but simple, even with every good intention. Thanks to the underlying propriety of India's policy role on the State of Jammu & Kashmir, despite blunders, this is a complication that Kashmir has not faced.

The question before us in Kashmir today therefore is whether those blunders can be undone, and will that undoing at this stage help restore the confidence so grievously wounded? Even more important, will the continued denial of liberty in part of a nation, which can with justice, pride herself on being among the world's freest, not pose a grievous threat to the survival of that liberty in other parts of the same entity?

The second question may well be responded to with the answer that democracy is now back and functioning in the State. An election has been held and none debarred from contesting

it. The sitting government was for the first time in the State's history, unseated through an electoral defeat. All these are of course uncontested facts, not mere claims. Yet the question persists because with heavy infiltration of terrorists from across the LoC and violence continuing to be endemic in all parts of the State, heavy deployment of security forces has been regarded as necessary. This on the one hand gives the feeling to citizens from among whom there are few if any representatives in those forces, of living in an occupied territory, and to the rise of doubts, suspicions and settlement of scores between organizations and individuals, using security interests as an excuse. Human rights have been a casualty. Among a people characterized till so recently by nonviolence, which the skeptical had contemptuously dismissed as mere cowardice, violence is now an accepted fact of life, a whole generation raised in an environment infused with bloodshed.

It is this writer's case that until each citizen can begin to live a life free from fear democracy can only be notional, no matter how elections are conducted or who participates. Regrettably, it must be admitted that the existing situation in the State has led to human rights abuses. But against this it must be clearly seen that Government has taken a public stand on the issue and when complaints can be substantiated action has repeatedly been taken against the offenders. Remedies have thus been forthcoming from within the system. For example, firing by security forces in Bijbehara in October 1993, when the militancy was at its height and a confrontation between the army and militants at Hazratbal, Kashmir's shrine holiest to her Muslims, had gripped public attention. The firing resulted in the death of 28 people and injury to over 60 others. It was enquired into by the writer in his capacity as Commissioner of Kashmir Division, whose findings were upheld by the National Human Rights Commission. This resulted in the 11 paramilitary personnel held responsible being brought to trial. The National Human Rights Commission itself came into being in 1993 in response to complaints of abuse in Kashmir and other parts of India. The Commission, staffed by retired justices, has issued instruction booklets to security personnel on how they require to behave with civilian populations and ensure respect of human rights in precarious situations.

In an environment of terrorism it might not always be possible to establish guilt keeping in view that, to be an effective instrument of law enforcement, individuals in the forces must remain protected from mischievous or frivolous complaints by vested interests. But government policy on the issue is clear, and government mechanisms have existed within India's system for restitution. In the present situation in Kashmir, the local police have increasingly resumed responsibility for maintenance of law and order. However, even though the protection of human rights stands institutionalized both at the State and the national levels, the question remains as to how effective this mechanism has been in ensuring that the public is actually receiving this protection. This is where the role of the civil administration becomes critical. Hence the study undertaken in J&K to determine this role.

In preparation for this survey, I was assured by the then Chief Minister Dr Farooq Abdullah, that such a report would be useful to his government in strengthening the machinery to an effective response to public grievances in this regard. The questionnaire was designed to seek views of all major stakeholders including the public, the police and the civil administration. The study is revealing in many respects, not least of these being the sharp variance in the attitudes among the stakeholders themselves. Hence while the police look upon themselves as effective enforcers of law and security, this view of them is not shared even by the civil administration. Similarly there are varying views on the effectiveness of the civil administration in rehabilitation measures.

The study also indicates that there has been an increase in the public awareness of the State Human Rights Commission resulting in increasing complaints received by it. Yet, by its own complaint the Commission has been rendered ineffective by being starved of finance or simply ignored.

This study, the first of its kind attempted in the State and that under difficult circumstances, can be regarded not as definitive, but as a starting point. This is because, as a result of doubts and apprehensions in the minds of interlocutors, perhaps only to be expected in the kind of volatile situation that persists in the State, not all parties canvassed were willing to respond. When they did, they were not confident of immunity in case of voicing opinions unacceptable or contrary to those of 'authorities'. Despite the Chief Ministers' assurances the response of the lower levels in the hierarchy was anything but encouraging. The research associate engaged to canvas stakeholders, himself working in the State government and duly authorized to canvas the survey by no less an authority than the State's Chief Secretary, found even his continuing employment in government threatened.

On the other hand, although there are reports by neutral observers including human rights groups like Asia Watch based in the US, of human rights abuse by Pakistan-sponsored terrorists and militants, including the hostage taking of foreign tourists in 1994, this has received less prominence in the questionnaire. This is because it was felt that the civil administration with which this study is primarily concerned, can have little role in protecting human rights in this context and can therefore only play a role in rehabilitation, which is a subject addressed in the study.

However, taken in the context of the unhappy environment in J&K, the study which addresses issues within the Valley, the worst affected part of the State in the present disturbances is a promising beginning indicating possibilities for ingredients in the charting of a road map that could help facilitate an administrative structure that would be fully effective in securing human rights, an essential concomitant to democracy.

## HUMAN RIGHTS - DEFINITION

"Human Rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution and embodied in the international covenants and enforceable by courts in India.

History is a mute witness to the most inhuman suffering that man has inflicted on man. A man's right to his liberty is the most sacred right for him and therefore, it should not be restricted without the sanction of law. A fruitful and meaningful life pre-supposes full of dignity, honour, health and welfare in the modern philosophy. The treatment of human beings which offends human dignity, imposes avoidable torture and reduces man to the land of beast would certainly be arbitrary and is impossible as a code of human conduct in all religions.

It was the golden rays of sun enlighten the world of Nineteenth century to human being to know about Human Rights they possess. Worth of human personality began to be realized. The resultant of Human Right Movement was experienced by human beings after World War II. During the war whole humanity was shocked by heinous crimes committed against the humanity and human rights was perished. The History witnessed silent tyranny and complete lawlessness of Nazi leaders of Germany. Rights to the people became the need of hour to be established for international peace and security. President Franklin D. Roosevelt on January 6, 1941 reflected in the Proclamation of four Freedom and mentioned as (1) Freedom of speech (2) Freedom of religion (3) Freedom from want (4) Freedom from Fear. Declaration of President carries weight he said, "Freedom means the supremacy of human rights everywhere our support goes to those who struggle to gain those rights or keep them".

## ROLE OF HUMAN RIGHTS IN PRESENT DAY SOCIETY

The human rights movement needs to be activated and made more intensive. Today as never before this movement needs all round support of the free world, of the institutions of the free world, of lawyers and judges and of enlightened citizens and human rights activists. In the last 45 years, human rights have become at least in the free world a live and a vibrant issue.

Various developments connected therewith are indeed, milestones on the path of human progress while there are necessitation like food, water, shelter basic for sustaining life and saving it from hunger and destitution, disease and despair there are also certain fundamental values and freedom without which it would be not worth living.

If there is one single ideology widely accepted round the world today, it is the concept and ideology of Human Rights. In today's world Human Rights play a significant role in the empowerment of the impoverished, the oppressed can become more self reliant through an understanding of their rights. Human rights also play a significant role in securing the accountability of those who wield power and control resources essential to the satisfaction of basic human needs. Rights to secure mandamus or prohibition are important checks of abuse of power. Right to public hearing, freedom of speech and press are crucial in checking governmental lawlessness and abuse of discretion or powers by bureaucratic and government officials.

Though Human Rights are today better known and better protected and though violation are denounced even beyond the frontiers of countries where they occur, even after United Nations Universal Declaration of the Rights of man about 56 states though constitutionally established have been overthrown some twice over. There is thus a very long wait to go and many promises to keep. The effort must keep going and hopes for a better tomorrow must be backed by strong will and determination no doubt the Human Rights movement has been exercising profound influence among the world community.

The Strife torn State of J&K has been undergoing proxy war since last 13 years. Since the onset of turmoil confronted with many changes in daily life, threats and continuous insecurity is having an enormous impact on social environment, government services have been disrupted in many places, economic opportunities decreased significantly. Movements of the people are restricted. Traditional role settings have changed due to economic down fall, killings, disappearances, arrests and immigration, under these circumstances for the protection of Human Rights in J&K, the role of Civil Administration in protection of Human Rights has attained more significance.



## OBJECTIVES

The research proposal "Role of Civil Administration in Protection of Human Rights in strife torn state of J&K" was conducted under the guidance of Lal Bahadur Shastri National Academy of Administration (LBSNAA), Government of India, Mussoorie. The objectives of the research were:

1. To understand the Human Rights situation in J&K.
2. To critically comprehend the role-played by State Administration, police and para-military forces to restore human rights.
3. To analyze the reasons behind the alienation of the common public.
4. To understand the role-played by NGO's in highlighting Human Rights violations.
5. The remedial measures to avoid Human Rights violations.
6. The role of State Human Rights Commission in protection of human rights.

## METHODOLOGY

The methodology used in the research of Civil Administration in protection of Human Rights in J&K may be mentioned as under:

First a detailed questionnaire keeping in mind the socio-economic profile of the respondents, law and order situation in J&K, problems faced by the local people, role of District Administration, Police, Paramilitary forces vis-a-vis the Human Rights scenario in J&K, role played by the NGO's and lastly the remedial measures to be suggested by the respondents was prepared in detail. This questionnaire was distributed among the various sections of the Civilian Society, District Administration, J&K Police, BSF, CRPF, Army, different professionals like doctors, professors, lawyers, students etc. Different Districts i.e. Srinagar, Budgam, Anantnag, Baramulla and Kupwara were identified and the questionnaire was distributed among the different respondents.

Besides the questionnaire the data was also collected from State Human Rights Commission.

Moreover the interview method was also adopted in collecting viable information about the Human Rights situation in J&K. Different categories of people who were the victims of terrorism were interviewed to get an idea about their suggestions about improving the situation in J&K vis-a-vis human rights.

Press and media reports were also scrutinized in analyzing the Human Rights situation. After collection of Data through various methods a proper analysis was done with the help of tabular data and pie diagrams to have a clear idea about the percentage of people holding a particular viewpoint. However, regarding the suggestions asked in the questionnaire vis-a-vis various aspects of administration and Human Rights violations a general idea was taken and accordingly the report was prepared and analyzed.

Kashmir is situated in the western Himalayas at an average height of 1829 meters above the sea resembles a great irregular vale in the center with a ring of mountains around it. By virtue of its central position is Asia Kashmir commands a strategic importance touching on the north west Afghanistan, on the north Sinkiang region autonomous region of China and on the west Pakistan.

Unlike other parts of India Kashmir has an uninterrupted record of history in the form of Kalhana's History "Rajtarangi". For a very long time Kashmir was a flourishing center of the Hindu and the Buddhist cultures. Kalhana narrates in his Rajtarangi, "Hinduism went side by side with Buddhism. There was no religious antipathy father, son and the Kings, and ministers sometimes had different faiths". Kashmir certainly formed a part of the Mauryan and Kushan Empires. In the days of the Guptas it was an independent principality which on the fall of the empire fell into the hands of the Huns. Later on in 7th century the "Karkota" dynasty of Kashmir under its greatest leader Lalitaditya flourished, and Utpala dynasty under Avantivarman played a major role in giving stability to Kashmir.

After the fall of the Lohara dynasty Kashmir came under the rule of Muslim rulers of the Shah Mir dynasty. The most famous ruler of this dynasty was Zainul-Abidin popularly known as Budshah whose contribution to Kashmir was immense. He not only followed a policy of religious toleration but introduced different arts and crafts from Central Asia, which were adopted by the Kashmiris. The year 1589 was a turning point in the history of Kashmir as it entered into a new phase of history breaking the age long state of isolation. It was in this year that Akbar the great Mughal Emperor annexed Kashmir and made it a part of the province of Kabul. The last spark of Kashmir independence was put out. The consolidation of the alien rule resulted in cultural impoverishment of Kashmir.

From then onwards Kashmir passed from one outside power to another. In 1735 the Afghan annexed Kashmir and made it a part of their empire. W. Lawrence writes that it was a period of brutal tyranny. Lust for money induced the Afghan Governors to commit the basest

acts on Kashmir people, without consideration of cast and creed. Numerous unjust and killing taxes were imposed on the people. In addition to all these miseries the common man suffered at the hands of nature as severe famines and epidemics took a heavy toll of human life.

In 1846 A.D. Kashmir came under Dogra Rule after the British had achieved the Chief objective of dismemberment of the powerful Sikh state of North India and obliged Gulab Singh under the treaty of Amritsar to adhere to British interests Kashmir was sold to Gulab Singh for 75 lac rupees. This unprecedented sale of such a vast number of people with at least 3,000 year old history was strongly condemned under the Dogra autocratic rule the Muslim population suffered greatly as the Maharaja declared himself the owner of all lands and their right to sell mortgage or transfer was ceased. The obnoxious practice of forced labour or "Begar" continued to be imposed more severely through out the Dogra reign.

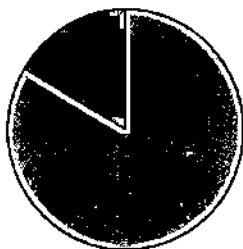
13 July 1931 is considered a land mark in the history of modern Kashmir. It is on that day that for the first time open demonstrations against the despotic rule of Maharaja took place and from that date onwards the people of Kashmir took upon themselves the task of securing for themselves the right of democratic self-rule. In 1932 A.D. all J&K Muslim Conference was serup to have a mass based political organization to redress the grievances of the Muslims. However, its nomenclature was changed into National Conference in 1939 A.D. This was done to have a common platform where the Hindus, Sikhs and Buddhists could redress their grievances. The struggle continued till 1947 when India became an independent country. The Maharaja of Kashmir threatened by economic blockade of Pakistan and tribal invasion signed Instrument of Accession with India on October 26, 1947. The valley was left without a government and on 30 October 1947 National Conference stepped in to be a part of the emergency administration with its leader Sheikh Abdullah to function as head of administration.

Though persecuted and treated as chaff by many unscrupulous Kings and emperors the Kashmiris stuck fast to their humanistic principles and did not fall prey to religious intolerance and narrow minded bigotry.

# Socio-Economic Profile of Respondents (Common Public) [ DISTRICT BARAMULLA ]

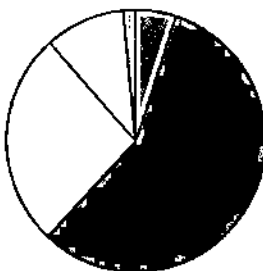
(Response based on 60 questionnaires)

## 1. SEX OF RESPONDENTS



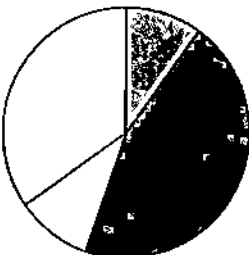
<input type="checkbox"/>	Male - 83.3%
<input type="checkbox"/>	Female - 16.6%
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

## 2. AGE



<input type="checkbox"/>	18 or less = 5%
<input type="checkbox"/>	19.25 = 56.6%
<input type="checkbox"/>	26 - 35 = 26.6%
<input type="checkbox"/>	36 - 43 = 10%
<input type="checkbox"/>	46 - 55 = Nil
<input type="checkbox"/>	56 - 60 = 1.6%

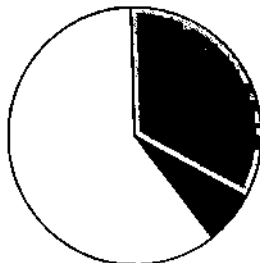
## 3. EDUCATIONAL



<input type="checkbox"/>	Engineering & Technology = 10
<input type="checkbox"/>	Humanities = 45%
<input type="checkbox"/>	Medicine = 10%
<input type="checkbox"/>	Science = 35%
<input type="checkbox"/>	Others = Nil

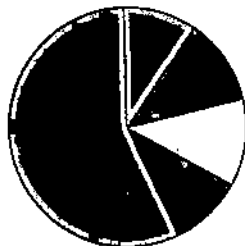
## [ DISTRICT BARAMULLA ]

### 4. LEVEL OF EDUCATION



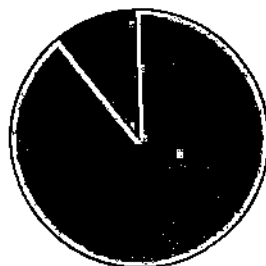
☐ Graduate = 33.3  
☒ Post Graduate = 6.6%  
☐ Under Graduate = 60%  
☐ Others = Nil

### 5. OCCUPATION



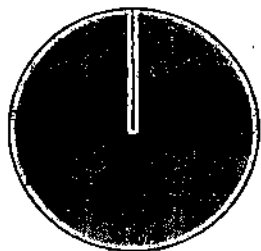
☐ Govt. Service = 10%  
☒ Own Business = 11.5%  
☐ Private Company = 11.6%  
☐ Autonomous Body = Nil  
☒ No Regular Employment = 10%  
☐ Unemployed = 60.6%

### 6. MARITAL STATUS



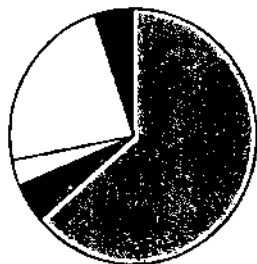
☐ Single = 88.3%  
☒ Married = 10%  
☐ Widow = Nil  
☐ Divorce = Nil  
☒ Others = Nil

## 7. RELIGIOUS BELIEF



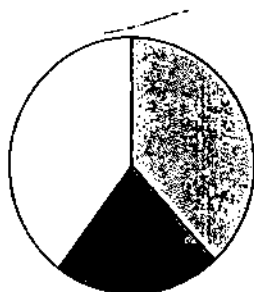
<input type="checkbox"/>	Islam = 100%
<input type="checkbox"/>	Buddhism = Nil
<input type="checkbox"/>	Sikhism = Nil
<input type="checkbox"/>	Others = Nil
<input type="checkbox"/>	Don't want to say = Nil
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

## 8. CASTE STATUS



<input type="checkbox"/>	General = 63.3%
<input type="checkbox"/>	SC = 5%
<input type="checkbox"/>	ST = 3.3%
<input type="checkbox"/>	OBC = 23.3%
<input type="checkbox"/>	Others = 5%
<input type="checkbox"/>	Don't want to say = Nil
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

## 9. INCOME OF FAMILY

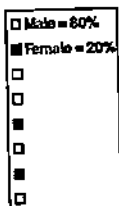
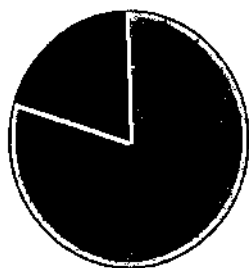


<input type="checkbox"/>	Less than 5000-38.3%
<input type="checkbox"/>	More than 5000- 21.6%
<input type="checkbox"/>	Don't want to say- 40%
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<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

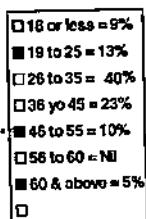
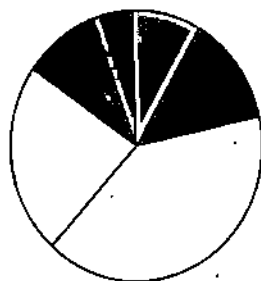
# Socio-Economic Profile of Respondents (Common Public) [ DISTRICT KUPWARA ]

(Response based on 60 questionnaires)

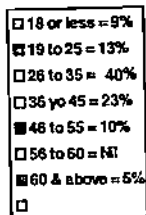
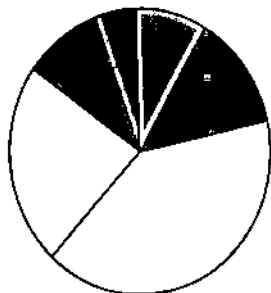
## 1. SEX OF RESPONDENTS



## 2. AGE



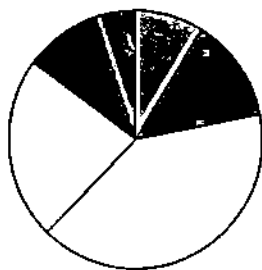
## 3. EDUCATIONAL





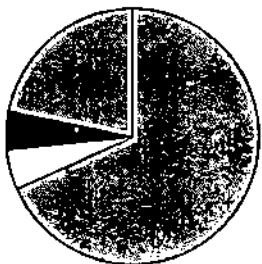
## [ DISTRICT KUPWARA ]

### 4. LEVEL OF EDUCATION



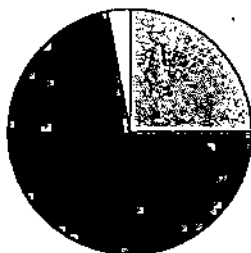
□ 18 or less = 9%
■ 19 to 25 = 13%
□ 26 to 35 = 40%
□ 36 to 45 = 23%
■ 46 to 55 = 10%
□ 56 to 60 = Nil
■ 60 & above = 5%
□

### 5. OCCUPATION



□ Govt. Service = 68%
■ Own Business = Nil
□ Private Company = 5%
□ Autonomous Body = Nil
■ No Regular Employment = 5%
□ Unemployment = 22%
■
□

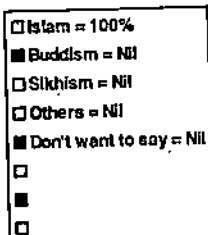
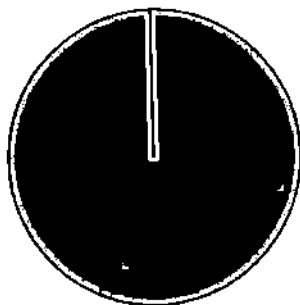
### 6. MARITAL STATUS



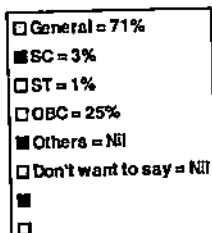
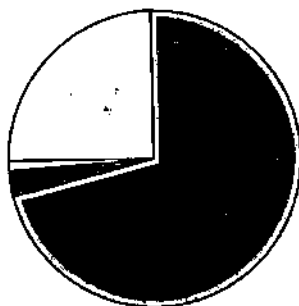
□ Single = 25%
■ Married = 72%
□ Widow = 3%
□ Divorce = Nil
■ Others = Nil
□
□
□

# [ DISTRICT KUPWARA ]

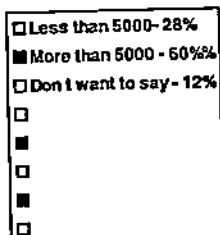
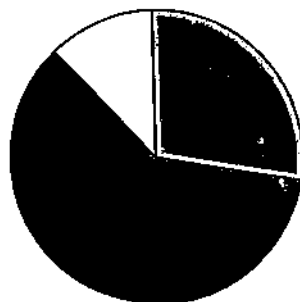
## 7. RELIGIOUS BELIEF



## 8. CASTE STATUS



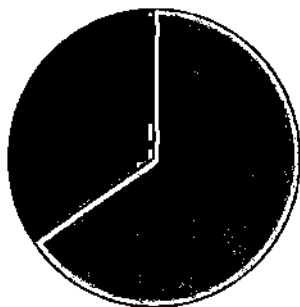
## 9. INCOME OF FAMILY



# Socio-Economic Profile of Respondents (Common Public) (DISTRICT SRINAGAR)

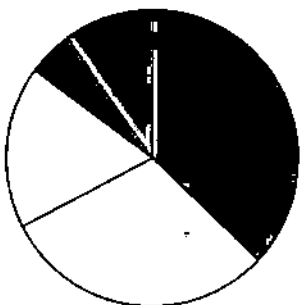
(Response based on 60 questionnaires)

## 1. SEX OF RESPONDENTS



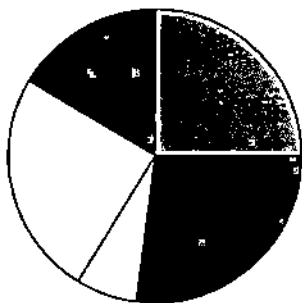
<input type="checkbox"/>	Male = 65%
<input checked="" type="checkbox"/>	Female = 35%
<input type="checkbox"/>	
<input type="checkbox"/>	
<input checked="" type="checkbox"/>	
<input type="checkbox"/>	
<input checked="" type="checkbox"/>	
<input type="checkbox"/>	

## 2. AGE



<input type="checkbox"/>	18 or less = Nil
<input checked="" type="checkbox"/>	19 to 25 = 37%
<input type="checkbox"/>	26 to 35 = 30%
<input type="checkbox"/>	36 to 45 = 18%
<input checked="" type="checkbox"/>	46 to 55 = 5%
<input type="checkbox"/>	56 to 60 = Nil
<input checked="" type="checkbox"/>	60 & above = 10%
<input type="checkbox"/>	

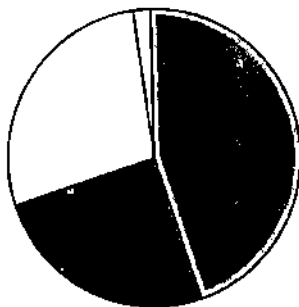
## 3. EDUCATIONAL



<input type="checkbox"/>	Engineering & Technology = 25%
<input checked="" type="checkbox"/>	Humanities = 26.6%
<input type="checkbox"/>	Medicine = 6.6%
<input type="checkbox"/>	Sciences = 25%
<input checked="" type="checkbox"/>	Others = 16.8%
<input type="checkbox"/>	
<input checked="" type="checkbox"/>	

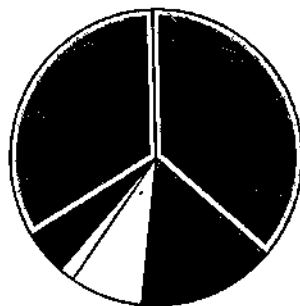
## [ DISTRICT SRINAGAR ]

### 4. LEVEL OF EDUCATION



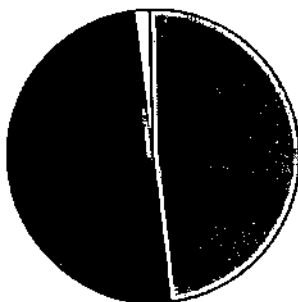
- ☐ Graduate = 45%
- ☒ Post Graduate = 25%
- ☐ Under Graduate = 28%
- ☐ Others = 2%

### 5. OCCUPATION



- ☐ Govt. Service = 38.6%
- ☒ Own Business = 15%
- ☐ Private Company = 8.3%
- ☐ Autonomous Body = 1.6%
- ☒ No Regular Employment = 5%
- ☐ Unemployment = 33.5%

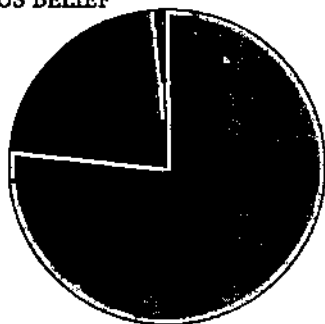
### 6. MARITAL STATUS



- ☐ Single = 48.3%
- ☒ Married = 50%
- ☐ Widow = Nil
- ☐ Divorce = 1.7%
- ☒ Others = Nil

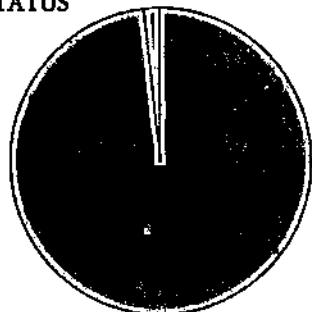
## [ DISTRICT SRINAGAR ]

### 7. RELIGIOUS BELIEF



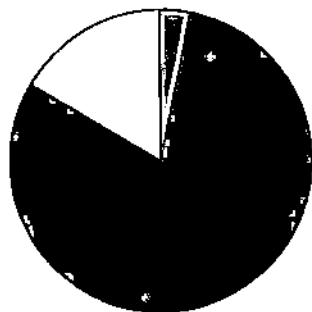
- ☒ Islam = 76.6%
- ☒ Christianity = Nil
- ☒ Hinduism = Nil
- ☒ Buddhism = Nil
- ☒ Sikhism = 21.6%
- ☒ Others = Nil
- ☒ Don't want to say = 1.8%

### 8. CASTE STATUS



- ☒ General = 98.3%
- ☒ SC = Nil
- ☒ ST = Nil
- ☒ OBC = Nil
- ☒ Others = Nil
- ☒ Don't want to say = 1.7%

### 9. INCOME OF FAMILY



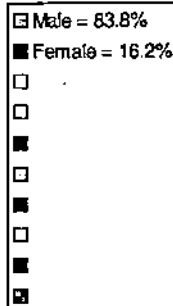
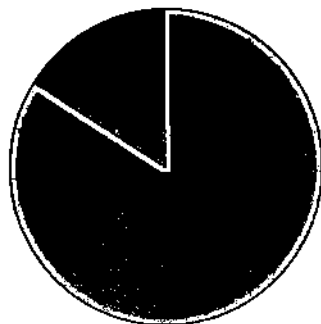
- ☒ Less than 5000 = 3.3%
- ☒ More than 5000 = 80%
- ☒ Don't want to say = 16.7%
- ☐
- ☐
- ☐

# Socio-Economic Profile of Respondents (Common Public)

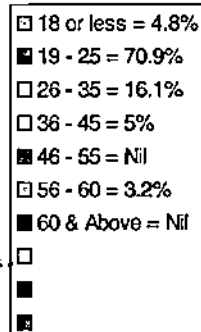
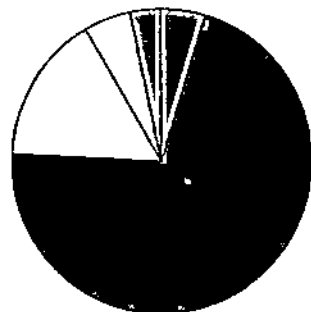
## [ DISTRICT ANANTNAG ]

(Response based on 60 questionnaires)

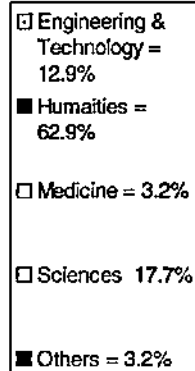
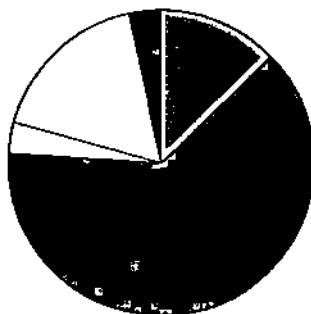
### 1. SEX OF RESPONDENTS



### 2. AGE

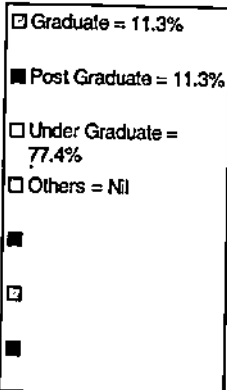
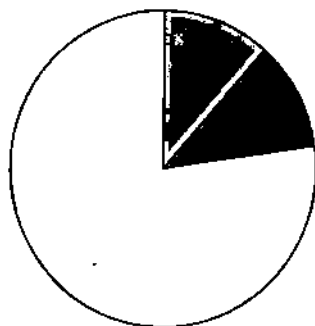


### 3. EDUCATIONAL

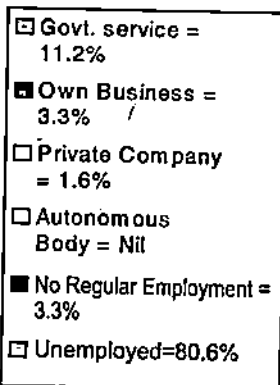
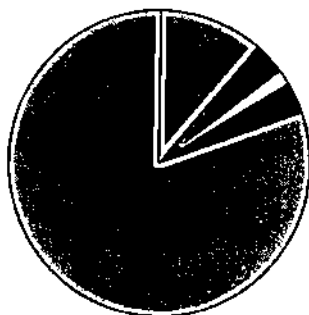


## [ DISTRICT ANANTNAG ]

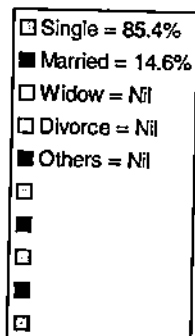
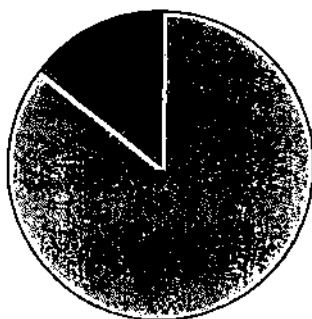
### 4. LEVEL OF EDUCATION



### 5. OCCUPATION

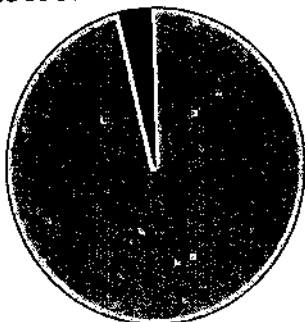


### 6. MARITAL STATUS



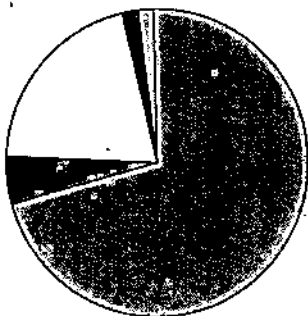
## [ DISTRICT ANANTNAG ]

### 7. RELIGIOUS BELIEF



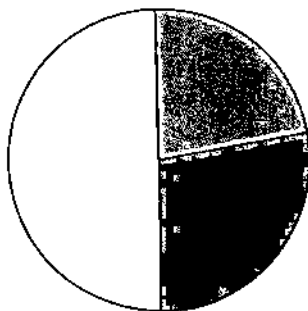
■	Islam = 96.7%
■	Christianity = Nil
□	Hinduism = Nil
□	Buddhism = Nil
■	Sikhism = 3.3%
■	Others = Nil
■	Don't want to say = Nil

### 8. CASTE STATUS



■	General = 70.9%
■	SC = 4.8%
□	ST = Nil
□	OBC = 20.9%
■	Others 1.7%
■	Don't want to say = 1.7%

### 9. INCOME OF FAMILY



■	Less than 5000 = 22.5%
■	More than 5000 = 27.5%
□	Don't want to say = 50%



On basis of survey conducted in various districts of Kashmir, among the common public, the following view point was given regarding the role of J&K Police.

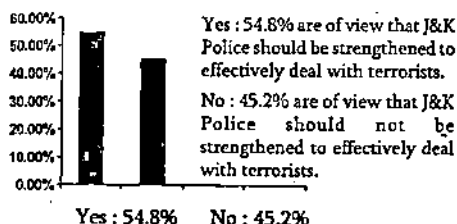
The questions that were put across were:

- Whether the J&K Police should be strengthened to effectively deal with the terrorists.
- Whether the J&K Police has the capability to wipe out terrorism from J&K, if they are strengthened adequately.

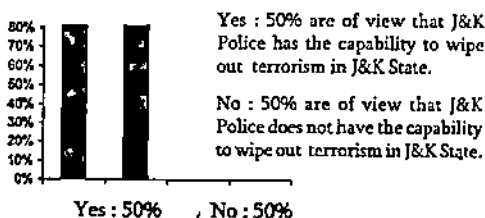
The response is given as under:

## Survey in Anantnag

(Section A)

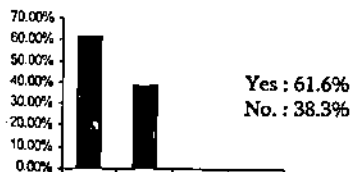


(Section B)



## Srinagar & Budgam District

A) Whether J&K Police should be strengthened to deal with terrorists.

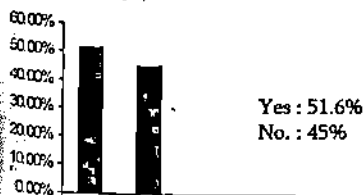


B) Whether J&K Police has ability to wipe out terrorism from J&K State, if strengthened.

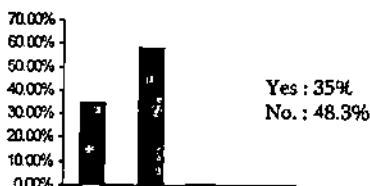


## Kupwara District

(A)



(B)



On the basis of survey conducted in various districts of Kashmir the following viewpoint was given by the common public regarding the role of civil administration. The question that were put across were:

- a) Whether the civil administration in J&K has capability to ensure smooth functioning of its institutions.
- b) Whether the civil rehabilitation of victims of terrorism in J&K done by civil administration is adequate.

### **SURVEY IN DISTRICT ANANTNAG**

#### **(Section-A)**

40.3% agree that civil administration has the capability to ensure smooth functioning of its institutions 59.6% do not agree.

#### **(Section-B)**

40.3% say Yes  
59.6% say No

### **SURVEY IN BARAMULLA**

#### **(Section A)**

56.6% say Yes  
43.3% say No

#### **(Section-B)**

48.3% say Yes  
51.6% say No

### **SURVEY IN SRINAGAR & BUDGAM**

#### **Section - A**

58.3% say Yes  
41.6% say No

#### **Section - B**

21.6% say Yes  
78.3% say No

### **SURVEY IN KUPWARA**

#### **Section - A**

31.6% say Yes  
65% say No

#### **Section - B**

30% say Yes  
65% say No

On the basis of survey done in various districts of Kashmir, the common public was asked following questions.

Do you think that you were deprived of good education facilities because of terrorism and proxy war.

District Kupwara : 71.6% of people feel that they were deprived of good education because of terrorism and proxy war while 28.4% of the people do not share their views.

District Baramulla : 63.3% of people feel that they were deprived of good education facilities because of terrorism and proxy war while 36% do not share their views.

District Srinagar/ Budgam:	65% say Yes
	35% say No
District Anantnag :	67.7% say Yes
	32.3% say No

Do you think that health system in your area meet your requirements.

District Kupwara : 11.6% are of the view that health systems in then area meet their requirements. While 88.4% feel that health system is inadequate.

District Baramulla : 33.3% agree that health system is adequate while 66% say No.

District Anantnag : 29% agree that health system is adequate while 70.9% say No.

District Srinagar/Budgam : 23.3% say Yes while 76.4% say No.

Do you have, in your area any school or health facilities which is non-functional even non due to gutting of the building connected to terrorism.

DISTRICT KUPWARA	76.6% people say No
	23.4% people say Yes
DISTRICT BARAMULLA	81.6% say No
	18.4% say Yes
DISTRICT ANANTNAG	74.1% say No
	25.9% say Yes
DISTRICT SRINAGAR / BUDGAM	80% say No
	20% say Yes

Is the movement from your place of residence hampered because of burnt bridges?

Kupwara	70% say No
	30% say Yes
Baramulla	76.6% say No.
	23.4% say Yes
Srinagar/ Budgam	91.6% say No
	8.4% say Yes
District Anantnag	82.2% say No
	17.7% say Yes

Do you think that PRESS highlights the atrocities committed by the terrorist in J&K.

DISTRICT KUPWARA	46.6% say No
	53.4% say Yes
DISTRICT ANANTNAG	43.5% say No
	56.5% say Yes
DISTRICT SRINAGAR / BUDGAM	46.6% say No
	53.3% say Yes

DISTRICT BARAMULLA

30% say No

70% say Yes

Has any Member of your family has ever been, detained under PSA (public safety act).

DISTRICT KUPWARA

88.3% say No.

12.6% say Yes

DISTRICT ANANTNAG

93.5% say No

6.4% say Yes

DISTRICT SRINAGAR / BUDGAM

100% say No

DISTRICT BARAMULLA

90% say No

10% say Yes

Has any member of your family including your self-even been arrested.

DISTRICT BARAMULLA

75% say No.

25% say Yes

DISTRICT SRINAGAR / BUDGAM

95% say No

5% say Yes

DISTRICT ANANTNAG

69.3% say No

30.6% say Yes

DISTRICT KUPWARA

90.% say No

10% say Yes

## CIVIL REVENUE ADMINISTRATION

### A) KUPWARA

### B) ANANTNAG

Human rights violation is context of disturbed area like J&K should include atrocities committed by the terrorists on civilian population and security forces.

#### SECTION A

60% Strongly agree  
13% Agree  
26% Cannot Say.

#### SECTION B

38.4% Strongly agree  
46.1% Agree  
7.6% Disagree  
7.6% Cannot Say.

Civil population in J&K is not free to raise their voice against actions of security forces.

#### SECTION A

53.3% Strongly agree  
26% Agree  
20% Cannot Say.

#### SECTION B

30.7% Strongly agree  
53.8% Agree  
7.6% Strongly disagree  
7.6% Cannot Say.

Civil Population in J&K is not free to raise their voice against action of militants.

#### SECTION A

53.3% Strongly agree  
33.3% Agree  
13% Cannot Say.

#### SECTION B

46.1% Strongly agree  
30.7% Agree  
15.3% Disagree  
7.6% Cannot Say.

The security forces in J&K do not conduct their public relations which includes regular interaction with print and electronic media effectively.

#### SECTION A

6.6% Strongly agree  
73.3% Agree  
20% Cannot Say.

#### SECTION B

15.3% Strongly agree  
46.1% Agree  
38.4% Disagree

What do you think that public image of judiciary in J&K during last 12 years of proxy war.

#### SECTION A

6.6% Say improved considerably  
53.3% No improvement  
20% Say deteriorated.  
20% Cannot Say

#### SECTION B

30.7% Say improved considerably  
11% Say No improvement.  
30.7% Say deteriorated  
22.2% Cannot Say

**What do you think of the prosecution by State of the accused persons connected with fuelling or countering terrorism.**

**SECTION A**

66.6% Say on in rare cases accused gets punished.  
26.6% Say every guilty person gets punished.  
6.6% Cannot Say

**SECTION B**

7.6% Say no one gets punished.  
76.9% Only in rare case accused gets punished.  
7.6% Every guilty person gets punished.  
7.6% Cannot Say

**Have you ever been a victim of terrorism/proxy war.**

**SECTION A**

33.3% Say Yes  
66.6% Say No.

**SECTION B**

46.1% Say Yes.  
53.8% Say No.

**Do you think J&K police should be strengthened to effectively deal with the terrorists.**

**SECTION A**

80% Say Yes  
20% Say No.

**SECTION B**

84.6% Say Yes.  
15.3% Say No.

**Do you think J&K police has ability to wipe out terrorism.**

**SECTION A**

73.3% Say Yes  
26% Say No.

**SECTION B**

69.2% Say Yes.  
30.7% Say No.

**Do you think that civil administration in J&K has capability to ensure smooth functioning of its institutions.**

**SECTION A**

66.6% Say Yes  
33.3% Say No.

**SECTION B**

92.3% Say Yes.  
7.6% Say No.

**Do you think rehabilitation of the victims of terrorism in J&K done by Civil Administration is adequate.**

**SECTION A**

20% Say Yes  
80% Say No.

**SECTION B**

30.7% Say Yes.  
69.2% Say No.

**Do you think press highlights the atrocities committed by the terrorists in J&K.**

**SECTION A**

73.3% Say Yes  
26% Say No.

**SECTION B**

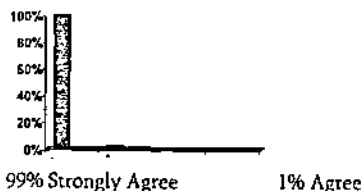
61.5% Say Yes.  
38.4% Say No.

# A) ARMY

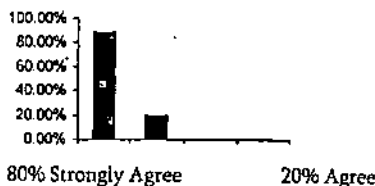
# B) B.S.F.

Human rights violation is context of disturbed area like J&K should include atrocities committed by the terrorists on civilian population and security forces.

## SECTION A



## SECTION B

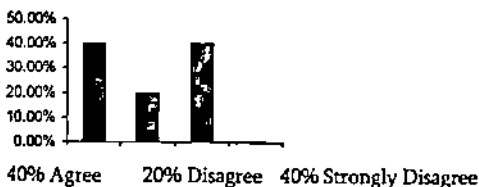


Civil population in J&K is not free to raise their voice against actions of security forces.

## SECTION A

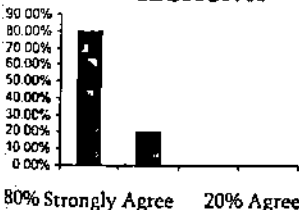


## SECTION B

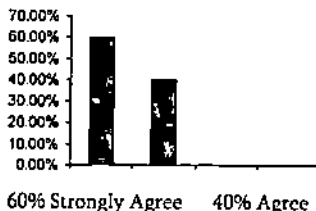


Civil Population in J&K is not free to raise their voice against action of militants.

## SECTION A

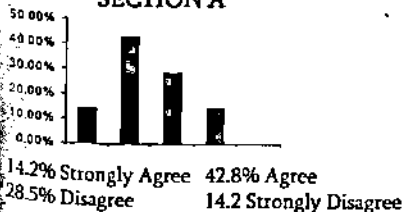


## SECTION B

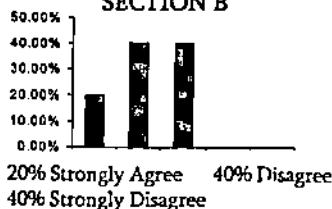


The security forces in J&K do not conduct their public relations which includes regular interaction with print and electronic media effectively.

## SECTION A

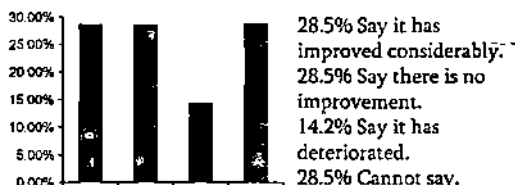


## SECTION B

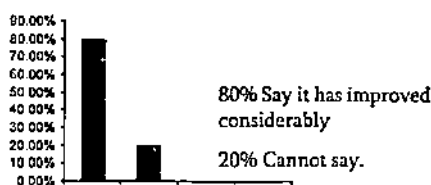


What do you think that public image of judiciary in J&K during last 12 years of proxy war.

### SECTION A

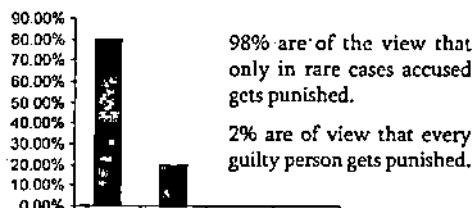


### SECTION B

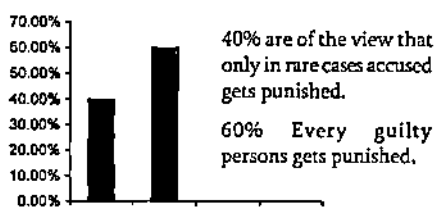


What do you think of the prosecution by State of the accused persons connected with fuelling or countering terrorism.

### SECTION A

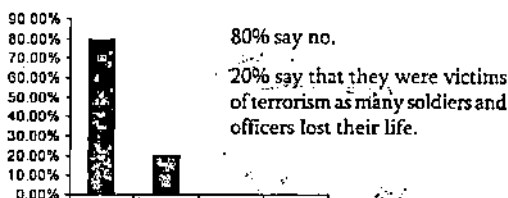


### SECTION B

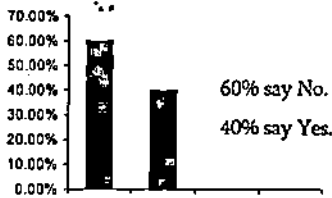


Have you ever been a victim of terrorism/proxy war.

### SECTION A

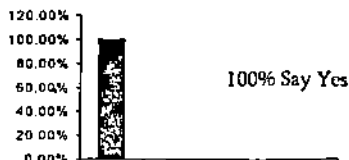


### SECTION B

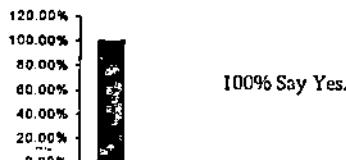


Do you think J&K police should be strengthened to effectively deal with the terrorists.

### SECTION A



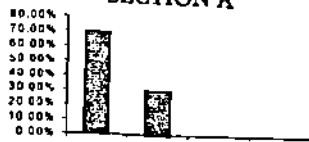
### SECTION B





Do you think J&K police has ability to wipe out terrorism.

SECTION A



70% Say Yes. 30% Say No.

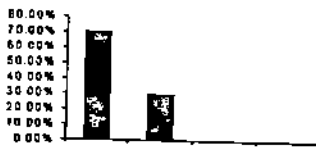
SECTION B



90% say Yes 10% say No

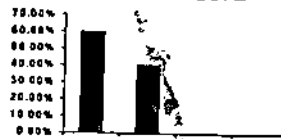
Do you think that civil administration in J&K has capability to ensure smooth functioning of its institutions.

SECTION A



70% Say Yes. 30% Say No.

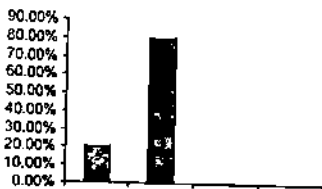
SECTION B



60% say Yes 40% say No

Do you think rehabilitation of the victims of terrorism in J&K done by Civil Administration is adequate.

SECTION A



20% Say Yes. 80% Say No.

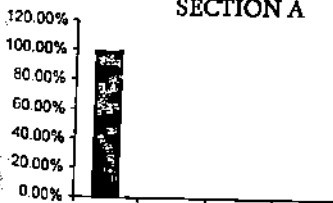
SECTION B



10% say Yes 90% say No

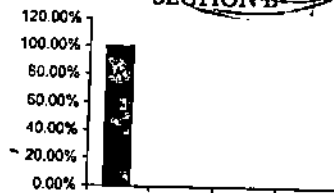
Do you think press highlights the atrocities committed by the terrorists in J&K.

SECTION A

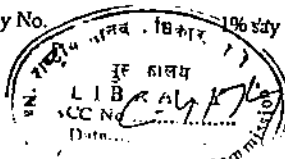


99% Say Yes. 1% Say No.

SECTION B



10% say Yes 99% say No



## REMEDIAL MEASURES

Cries have become endemic to Kashmir. Violence has begotten violence and in the end paralyzed virtually everything. Amidst the ongoing tragedy the voice of sanity in the valley is hardly audible. The common man of Kashmir is caught between a pair of gallows, one set up by security forces, the other by militants on the basis of our observation based on individual notes of respondents to the questionnaires and interviews held from various sources, that following remedial measures are suggested for improving the situation in the valley.

A) Average people have given following suggestions for improving the health system in their areas:

1. Medical centres in each village.
2. Male as well as lady doctors made available in far-flung villages.
3. Hospital occupied by troops vacated.
4. Medicines made available.
5. Private practice of doctors banned.
6. People made aware of various epidemic diseases through health education.
7. Availability of ambulances.
8. Free medicines to the needy.
9. Setting up of medical camps, blood banks and mobile hospitals in far flung area
10. Service of doctors in far-flung areas compulsory.
11. To improve the condition of Psychiatric hospital and to have rehabilitation patients in Psychiatric hospital on priority basis.

B) The rehabilitation of the victims of terrorism in J&K done by Civil administration inadequate and the following remedial measures have been suggested.

1. Exgratia relief.
2. Recruitment in services.

3. Free education for children.
4. To immediately solve their cases on priority basis without red tapism or delay.
5. Minorities who have fled the valley must be motivated to come back and have proper arrangements for their security.
6. The relief provided by this Govt. should go to the rightful persons and not in the hands of corrupt govt. officials.

C) On the role that political parties should play in containing terrorism following suggestions have been made.

1. Political parties must address the basic problem of Kashmir dispute.
2. Political parties should highlight the atrocities committed by Army and other security force on general public and find ways to ensure that they are not committed.
3. Employment opportunities for educated youth to be created.
4. To provide relief and other facilities to effected people.
5. Should put an end to nepotism corruption unemployment, lack of sincerity as these breed terrorism.

D) The civil administration can play the following role in ending terrorism.

1. By addressing the grievances of people in time without delay.
2. Corruption and nepotism in civil administration to be eliminated and to be made accountable.
3. Having bureaucrats at top level from Kashmir so that they can have direct relation with masses and understand their problems in a better way.
4. Employment to youth and selection on fair basis.
5. However some people feel that civil administration is totally paralyzed in J&K as it is under the pressure of the rule and influence of the ruling party.

- E) The civil administration can ensure that offices remain open on working days and employees attend to the grievances of the people in the following ways.
1. Providing security and transport to govt. servants so that they can come to offices even in hartals.
  2. Strict and efficient administration.
  3. Inculcating work culture among people.
  4. Setting up of special squads at district, tehsil and even at Block level to monitor all offices and institutions and any irregularities found be dealt immediately with a heavy hand.
  5. Strictly follow ESMA (Essential Services Maintenance Act).
- F) The following measures have been suggested for preservation of Archeological monuments.
1. Inculcating an awareness among the people about our past heritage and need for protection of our monuments.
  2. Archeological department should be more alert and active and should take immediate steps to protect damaged monuments.
  3. Pressure groups to motivate Govt. as well as public to take steps for protection of our heritage.
  4. Awareness programme starting from schools and at community level.
  5. Deployment of guards to protect these monuments.
- G) The civil administration can play the following role in ensuring that no harassment of innocent civilians takes place at hands of security forces:
1. During search or any other operation against militants some high officials from civil administration should accompany the security forces, so that instances of harassment are kept under control.
  2. The power of the security forces should be curtailed and they should be made answerable to the civil administration for atrocities committed on the masses and be investigated by civil courts.

3. Joint public meets between security forces, civilians and administrators should be arranged weekly so that masses can bring out their grievances openly.
4. However there is a considerable majority of people who are of the view that civil administration cannot play an effective role as it is a puppet in the hands of security forces especially due to special powers given to security forces under POTA and TADA.

H) The civil administration can encourage genuine and committed NGO's in following ways:

1. By providing sufficient financial assistance and funds.
2. Try to solve the problems faced by these NGO's by having constant meetings with them.
3. Inviting them and taking their suggestions at all district Board Meetings.

I) J&K Police and paramilitary forces.

Different categories of reasons can create different Human Rights violations and therefore, different ways are needed to prevent them, one thing which goes a long way to preventing the occurrence of human rights violations is an atmosphere of professionalism within the J&K Police and the paramilitary forces. Their work should be transparent and the public must be able to evaluate and influenced. Police officers and police managers must accept that they are accountable for their deeds. Further more there should be some evaluation of the officer attitude. There should be further more stress on police public meets.

The questionnaires were also distributed among the J&K police but response to the questions was from only District Kupwara and District Srinagar. The response to some of the questions by the J&K police is as under:

**Questions:** Do you think that the J&K police should be strengthened to effectively deal with the terrorists?

District Srinagar 100% Say Yes.

District Kupwara 100% Say Yes.

**Questions:** Do you think that J&K police has the capability to wipe out terrorism from J&K if they are strengthened adequately?

District Srinagar 100% Say Yes.

District Kupwara 100% Say Yes.

**Questions:** Do you think that Civil Administration in J&K police has the capability to ensure smooth functioning of the institutions.

District Srinagar 80% Say Yes 20% Say No.

District Kupwara 87.5% Say Yes 12.5% Say No.

**Questions:** Do you think that the rehabilitation of the victims of terrorism in J&K done by the Civil Administration is adequate?

District Srinagar 90% Say Yes 10% Say No.

District Kupwara 93.7% Say Yes 6.25% Say No.

### Psychiatric Hospital Srinagar

In the year after Kashmir erupted in violence in 1989, annual out patient visits soared from 3,000 to 18,000. In the year 1996 fire ripped through the building. The roofs and windows of the old wards were damaged. the hospital needs support groups and the civil administration needs to do more towards the betterment of this hospital. Even through there is a organization

by the name of Medicines San Francieres, a medical and humanitarian international non-governmental organization, in the sand organization is working in Kashmir time 2001 and is working to contribute to reduce psychosocial problems of the population in Kashmir caused by transmutive stress induced by the violence. Training has to be given to NGO's committed/involved in reducing psychosocial problems! Paramedical staff has to be provided with training. Rehabilitation of patients in the psychiatric hospital has to be done in priority basis. More staff has to be provided to the hospital for this purpose.

### J&K State Human Rights Commission

The J&K State Human Rights Commission was setup in J&K State in the year 1997 for better protection of human rights and for matters connected there with or incidental thereto. The Govt. has also framed J&K protection of Human Rights Rules 1999, which have come into force with effect from 1st January 1999.

### Complaints received by the Commission

1.	1997 - 98	51
2.	1998-99	227
3.	1999-2000	309
4.	2000-2001	395
5.	2001-2002	474

It can be observed from the above figures that the people of the State are approaching the commission for redressal of their grievances and there has been an increase in the number of complaint files before the commission. The commission has been recommending to the Govt. for providing appropriate relief in different cases. As per the annual reports of the commission it transpires that the recommendations of the commission have not been implemented in most of the cases by the Govt. and in some cases the recommendations have been accepted partly.

It has been observed by the commission that the attitude of the Govt. should be liberal in implementing the recommendations of the commission. It is said to observe that as per

annual report of the commission for year 2001-2002. The commission in order to spread human rights literacy amongst various sections of the society and also promote awareness of the safe guards through publication, media, seminar etc. could not utilized the funds made available by the Govt. due to no response by the education department to the request of the commission in this behalf. The Govt. as per the commission's annual report of 2001-2002 has state that the Govt. had deputed an officer of rank Inspector General of Police to commission without any supporting staff but now the services of the IGP have since been withdrawn without making any substitute arrangement. The commission has been visit various jails in the State and there is also mention of visit to the Leper Hospital by the Secretary and the Administrative Officer of the commission in its annual report of 2001-2002. The commission after its visit to different jails has made recommendations to the Govt. regarding the living conditions of the inmates/detenues, for providing sufficient medicines to the inmates, increase in daily allowances for food purposes, keeping a specialist doctor's services available etc.

It appears that the commission has made efforts to contain human rights violations in the State. The annual reports of the commission are submitted before each house of the State Legislature by the Govt. The commission has not been able to do any thing with respect to research work in the field of human rights and the other important thing is that the commission till date has not its own website. Much has to be done vis-a-vis awareness of human rights is considered by the commission and the Govt. has to give priority to the difficulties faced by the commission so that the commission can achieve better results in its day to day functions.

It is for the Govt./Administration to see that the commission is provided with all the support it requires so that the grievances of the common man vis-a-vis human rights protection can be achieved without delay and the recommendations of the commission are implemented by the Govt. on priority basis and further the Govt. should issue necessary directions/instructions to its various agencies to adopt congenial approach in implementing the recommendations of the State Human Rights Commission.



# J&K STATE HUMAN RIGHTS COMMISSION, SRINAGAR

District - wise break up of 227 cases received by the  
J&K State Human Rights Commission  
during the period 1 April to 31 March 1999

## BREAK UP

GRAND TOTAL																					
S. No.		Name of District															Total of Kmr. Div.			Total of Jmu. Div.	
Total District																	178		49		
Total																	0				
Total																	20		15		
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Huryat Conference, Muslim League, Peoples League have filed number of complaints before the commission.

3.2 The breakup of the Complaints received by the Commission during this period is as under :

S. No.	Nature of Case	No. of cases registered in the Commission
01	Custodial death	15
02	Disappearance	35
03	Harassment	70
04	Rape cases	04
05	Shifting of detainee from one jail to another	03
06	Death Investigation	17
07	Service matters	07
08	Security cases	03
09	Rent for occupation of houses by Security Forces	11
10	Compensation	59
11	Murder	06
12	Land cases	03
13	Release of Detenues	39
14	Enquiry	22
15	Other cases	15
	Total	309

3.3 The District wise details of the above said cases are as under

S. No.	Name of the District	No. of cases received by the Commission
01	Srinagar	113
02	Budgam	29
03	Kupwara	23
04	Baramulla	39
05	Anantnag	22



06	Pulwama	22
07	Jammu	14
08	Kathua	02
09	Udhampur	04
10	Doda	30
11	Poonch	05
12	Rajouri	06
13	Kargil	-
14	Ladakh	-
	Total	309

3.4 The number of complaints of the preceding year which are carried forward to the current year are about 200. Thus the number of complaints processed by the Commission during the current year aggregates to 509 out of which 149 complaints stand disposed of by the Commission. The Commission has made various kinds of recommendations in 17 cases to the Government. Therefore, the number of cases which remained under consideration on 31st March, 2000 is 360. The cases in which the Commission made recommendations to the Government during the period under report are detailed as under :

4. Cases in which the State Human Rights Commission recommended to the Government for payment of compensation to the complainant.

4.1 Complaint filed by Haji Ali Mohammad Sheikh R/O Dadsar Tral, District Pulwama

Present : Shri M.L. Kaul (Member)

& Qazi Muzaffer-ud-din (Member)

Date of Institution : 24-04-1998

Date of Decision : 31-07-1999

The brief facts of this case are that one Zahid Ali (Advocate) filed the complaint with the Commission.

# JAMMU AND KASHMIR STATE HUMAN RIGHTS



## COMMISSION, SRINAGAR

District-wise breakup of 395 cases received by the J&K State Human Rights Commission during the period 1st April 2000 to 31st March 2001

S. No.	Name of District	Relief cases	Release cases	Rape cases	Land cases	Harassment	Disappearance	Custodial death	Compassionate appointment	Death investigation	Security cover	Service matter	Eviction cases	Rent cases	Murder	Enquiry	Other cases	Total of Kashmir/Jammu Division
<b>I- Kashmir Division</b>																		
1	Srinagar	16	18	1	..	12	22	11	3	3	..	4	2	2	1	6	3	104
2	Budgam	11	2	..	..	2	8	3	1	..	..	1	2	..	1	2	1	34
3	Baramulla	26	8	1	..	12	10	3	..	1	5	..	2	2	5	3	..	78
4	Kupwara	9	4	..	..	10	12	10	..	..	1	1	..	..	2	..	..	49
5	Anantnag	12	4	..	..	8	6	1	..	2	..	1	1	..	..	2	..	37
6	Pulwama	7	4	..	..	15	3	4	..	..	..	..	..	..	..	2	..	35
	Total of Kmr. Div.	81	40	2	..	59	61	32	4	6	6	7	7	4	9	15	4	337
<b>II-Jammu Division</b>																		
1	Jammu	3	..	..	..	..	..	..	..	..	1	2	..	..	..	..	..	6
2	Kathua	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
3	Udhampur	3	..	..	1	3	..	1	..	1	..	..	..	..	..	2	..	11
4	Doda	16	2	..	..	10	..	3	..	..	..	..	..	..	1	2	..	34
5	Poonch	..	..	..	..	..	1	1	..	..	..	..	..	1	..	..	..	3
6	Rajouri	1	..	..	..	1	1	..	..	..	..	..	..	..	..	1	..	4
	Total of Jmu. Div.	23	2	..	1	14	2	5	..	1	1	2	..	1	1	5	..	58
	Total of I & II	104	42	2	1	73	63	37	4	7	7	9	7	5	10	20	4	395

TOTAL NO. OF CASES

395



The authorities who are being asked by the Commission to give reports, subject to any privilege which may be claimed by them under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful, or relevant to the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Ranbir Penal Code. The relevant provision of the statute in this behalf is sub-section (2) Section 14 of J&K Protection of Human Rights Act, 1997 which reads :-

"The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within meaning of section 176 and section 177 of the Ranbir Penal Code."

The break up of the complaints received/registered in the Commission from 1-4-2001 to 31-3-2002 is as under :-

S. No.	No. of cases shown against each category/nature of cases	Complaints received
1.	Relief	137
2.	Murder	11
3.	Harassment	56
4.	Release	40
5.	Disappearance	55
6.	Security cover	06



S. No.	No. of cases shown against each category/nature of cases	Complaints received
7.	Rent cases	03
8.	Compassionate Appointment	07
9.	Enquiry/Investigation	29
10.	Eviction	03
11.	Kidnapping	02
12.	Compensation	13
13.	Rape	02
14.	Land cases	10
15.	Custodial death	25
16.	Service matter	23
17.	Death investigation	04
18.	Others	48
		<u>474</u>

## District-wise breakup of the 474 cases

S. No.	Name of District	No. of complaints received/ registered in the Commission
1.	Srinagar	160
2.	Budgam	33



S. No.	Name of District	No. of complaints received/ registered in the Commission
3.	Baramulla	60
4.	Kupwara	62
5.	Anantnag	43
6.	Pulwama	36
7.	Jammu	15
8.	Doda	28
9.	Rajouri	08
10.	Poonch	09
11.	Udhampur	03
12.	Kathua	---
13.	Kargil	15
14.	Leh	---
15.	Others	02
		<hr/> 474 <hr/>



## AWARENESS UNDER PROTECTION OF HUMAN RIGHTS ACT

The Commission has to spread Human Rights literacy amongst various sections of the society and also promote awareness of safeguards available under the law for protection of Human Rights through publication, media, seminar and other means. The Commission could not utilize the funds made available by the Government for this purpose merely due to the fact that the Commission intended to organize seminars/debates at the School and College level throughout the State to spread human rights literacy/awareness at gross-route level. With this motive, the Commissioner/Secretary to Govt. Education and other Departments were requested to furnish their consent to the proposed seminars/debates by the State Human Rights Commission at the professional and non-professional Institutions in the State for the awareness and promotion/literacy of Human Rights. But the Commission did not receive the requisite response from the concerned departments with the result the funds earmarked by the Government for the purpose were got reappropriated for other purposes. Commission is still hopeful to receive a positive consent from the concerned departments and it will chalk out a schedule for conducting seminars/debates as soon as consent is received with collaboration of recognised and well based NGO's in the field.

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## DIFFICULTIES FACED BY THE COMMISSION

### 1. Shortage of Staff : (Creation of staff infrastructure)

The Government was requested to create 5 posts of presenting officers in order to assist the members of the Commission in the proceedings of the complaints. The Government has not taken any action in this behalf so far, with the result the commission continues to take this particular kind of work from amongst the existing staff who are unqualified for this nature of job. The Commission feels it necessary to lay more emphasis for creation/posting of 5 presenting officers in the interest of the victims of human rights & better management of human rights protection.





## Cameraman

The Commission have repeatedly been requesting the Government in law Department for creation of one post of Cameraman for the Commission as the services of a Cameraman are frequently required as and when Commission makes spot visits of the militancy related incidents. The Commission feels it imperative once again to stress upon the Government for creation of a post of Cameraman for the commission & usually the foreign delegation's visit and discuss matters of human rights pertaining to the State. The Commissions of other States & National Human Rights Commission also preserve and maintain the photographs etc. of visiting delegations for record.

(3) Since the J&K State Human Rights Commission, has assumed multiple dimensions, the work load in the Commission has increased considerably but the ministerial staff of different cadre which was created and posted in the Commission at the inception continues to be the same with the result the pressure of work is mounting day by day on the existing staff. The Government was consistently requested to create and provide adequate ministerial staff so that the difficulties which are being experienced by the Commission are eased to some extent. The Government on the other hand is not giving due attention to the minimum needs of the Commission with the result the Commission is under staffed. This needs to be looked into by the Government in the right perspective to make the Commission meaningful.

The anxiety of the Jammu and Kashmir State Human Rights Commission is more manifest when the Commission has been now silently observing after it has exhausted its all efforts asking the Government to comply the mandates of sub-clause (b) of sub-section (1) of section 11 which reads that Government shall make available to the Commission.

"(b) Such police and investigative staff under an officer not below the rank of Inspector General of Police, and such other officers and staff as may be necessary for the efficient performance of the functions of the Commission".

The Government was kind enough to make available by deployment of an officer of the rank of IGP to the Commission without any supporting staff but now the services of IGP, also have in the recent past been withdrawn without making any substitute available.

It may again be reiterated with all the force by the Commission that the services of the IGP, with an investigating agency are very much required by the Commission, the falsity and paradox as on day is that the Commission is asking the human right violators to report that they have not committed the



human right violation complained about by the victims of the human right violations who approach the commission for redressal of the grievance. The commission has to reply on the investigation or the report of the human right violaters, what a tragedy the feelings of the commission can be conveyed by the sentiments contained in the couplet.

نے ہیں الی اوس دی بھی منف بھی  
اترنا میرے خون کا دعویٰ کریں کہی سے

As on date the commission has been utilizing the services of Crime Branch of the State under the provisions of section 15 of the J&K Protection of Human Rights Act, 1997. But the Crime Branch people are also, over busy which results in protraction of the investigation and report back to the Commission by that time the sufferer, the victim of the human rights violations undergoes the trauma which is not the mandate of the protection of Human Rights Act.

The commission wants to place on record its one more grievance which requires consideration by the Hon'ble Members of the Legislature.

The Commission has so far submitted four Annual Reports and is now submitted the 5th Report as is envisaged under sub-section (1) of section 12 of the Act. The Annual report so far submitted have been laid before each House of the State Legislature by the Government without the memorandum/ action taken or proposed to be taken by the Government on the recommendation, if any, as is envisaged under the Statute in this behalf. The intention of lying the report/annual performance report before the Legislature by the Government is firstly that the Hon'ble Members of the Legislature of both the Houses stands informed of the performance made by the State Human Rights Commission and that Hon'able Members of both the Houses shall debate and discuss over the same and shall give suitable advise to the J&K State Human Rights Commission for better management of human rights protection programme in the State of Jammu and Kashmir. By discussing the report Hon'ble Members of both the Houses can make the Government answerable for non-implementation of the recommendations of the Commission and the purpose of the legislation for protection of Human Rights can be better served, achieved and implemented and thus the "tooth less tiger's" grip of long paws with sharp nails "can be realised."

The State Human Rights Commission is eagerly waiting for the live discussion and debate over the reports of 1999-2000, 2000-2001, 2001-2002 and hope that by discussion of the Hon'ble Members of



both the Houses and the concern of the Hon'ble Members for protection of human rights on one hand and duty of the Government on the other hand for maintaining and upholding of the human rights of the citizens in general and of the victims of the sufferers of the human rights violations in particular could be ensured.

Before parting, the commission would like to place on record that its efforts have begun to strengthen the hands of just and compassionate ----- those who may earlier have acted with impunity to abuse the right of compatriots are now beginning to pause ----- to think twice and even hold back, this consciousness which the Commission has created in the minds of the law enforcing agencies can well be felt, the surprise visits under - taken by the Committee constituted by the Chairperson to see functioning etc. of the interrogation centres, lockups and other places of lodge of the arrestees etc. had shown good result and the intentions of such visits has achieved a lot. The Commission no doubt has not been in a position to eradicate human rights violations but has been in a position to contain the same.

The Commission assures that it shall continue its efforts to ensure protection of human rights and uphold the dignity of the individual.

The credibility to the Human Rights could be ensured.

آدمیت احترام آدمی : باخبر شو از مقام آدمی

Sd/

Hon'ble Justice A.Q. Parry,  
Chairperson

Sd/-

Qazi Muzaffar-ud-din,  
Member

Sd/-

Begum Qudssia Mohi-ud-din,  
Member

Sd/-

Mr. G.Q. Mughal  
Member

Sd/-

S. Mohinder Singh,  
Member

## CONCLUSION

In conclusion it is submitted that human rights violations are inevitable and rampant in a disturbed area and some times it is beyond the capability of the civil administration to completely obliterate the causes that lead to political disturbances as the causes may be domestic i.e., internal as well as external. But the Administration still has to play its role in ameliorating the miseries of the common man. This is possible only if the administration gains confidence of the populace, to gain confidence of the populace a policy of healing touch becomes imperative.

The present administration in J&K has rightly adopted this pragmatic approach and to achieve its objective the present administration will have to provide good governance, on the one hand this would mean streamlining the approach of the security forces and the paramilitary forces while combating militancy in the J&K State, that connotes that paramilitary forces will have to take the concerns of the common man into consideration, so that while combating militancy the common man is not victimized, the paramilitary forces will have to be grounded in the basic principles of human rights and their importance to civic society. Special monitor groups will have to be organized to act as a watchdog and to report violations so that some redressal is provided immediately. One must not forget that justice delayed is justice denied, secondly good governance in this particular sphere is only possible if corruption is totally rooted out and thirdly it is of utmost importance that law enforcement agencies should be empowered so that they are able to assist the judiciary in protecting the rights of common man. The judicial review of administrative action alone would contribute greatly to the process that will help restore the confidence of the common man in the State Administration and lastly the social welfare state will have to create funds to remove the economic misery of the victims of terrorism. This is a compendium of suggestions that may be evaluated in the backdrop of the data that has been collected, collated, analyzed in this behalf.