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## Parivar of anti-social elements

**Sandeep Pandey**

When pushed to the corner after some dalits were flogged in Una, Gujarat for skinning dead cows which resulted in a political storm that cost the chief ministership of Anandi Ben Patel, a Narendra Modi nominee, the Prime Minister came up with a startling statement that 70-80 per cent cow vigilantes were anti-social elements and that they had set up shops in the name of cow protection. Modi added that cow vigilantes made him angry.

Modi made this statement after keeping mum on such incidents which have been going on almost for a year beginning with the killing of Mohammed Akhlaq in September, 2015, in which people have either been killed or beaten on the suspicion of eating beef or taking cows for slaughter houses. Sangh Parivar knows that Modi's statement is for public consumption. He is probably angry because these incidents have now become an irritant for him as they hurt his political cause.

Modi invoked Gandhi and Vinoba Bhave to say that people should not take law into their hands to disturb harmony. It is strange that Gandhi, who is otherwise not tolerated by

Sangh Parivar, has been repeatedly used by Modi to serve his political purpose.

In Varanasi the late Socialist leader Jayaprakash Narayan established a Gandhian Institute of Studies in 1962. JP ran it for 16 years from funds personally raised by him. When Janata Party came to power, the Central and the UP governments jointly took responsibility for running the institution. However, with Murali Manohar Joshi as the HRD minister, the funds were stopped and a lady Professor Kusumlata Kedia, associated with RSS, slowly encroached upon the property. The judicial process was influenced to get a governing council, consisting of members who had nothing to do with Gandhian thought, established after the registration of the society responsible for running the institute was cancelled. Gandhian Institute of Studies ceased functioning and RSS took over. Sanskrit Bharti, a Sangh Parivar organisation, started running Sanskrit classes.

Muniza Rafique Khan, Registrar of the GIS, has been involved in the long drawn struggle to save the institute. She has received a threat

## Scene of linguistic chauvinism

**Kuldip Nayar**

on 3rd September from one Jagdish, a teacher of the Sanskrit classes held on campus, on behalf of Sanskrit Bharti on its letter head, saying that she may have to pay with interest inside her home for the media campaign she is running against Sanskrit Bharti, an international organisation, accusing it of illegally occupying the Gandhian Institute.

It appears that Sanskrit Bharti, in addition to teaching Sanskrit, is also in the business of issuing threats and taking law into their own hands. The anti-social nature of the person who wrote this threat is obvious.

This is the modus operandi of most of Sangh Parivar outfits. Probably what Narendra Modi inadvertently said about Gau Rakshaks applies to the whole of Sangh Parivar. They don't believe in democracy or dialogue. They believe in using violence to subdue their opponent. They don't care about the law and order, the judiciary or the Constitution of this country.

In another incident at Banaras Hindu University on 6th August, 2016 Professor J.P. Rai of the Law Department rained lathis over protesting students along with the security personnel indicating the reign of terror that the administration has unleashed on campus. These students were protesting the filing of fake case against nine students under section 307 of IPC without any evidence. The nine students were among those who sat on fast earlier to demand reverting to the previous arrangement of opening the cyber library 24 hours and were suspended by the university administration. The Vice Chancellor G.C. Tripathi is against the all night opening of cyber library as he believes that students

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Horrors of partition came to my mind when I saw television beaming pictures of rioting and killing in Bengaluru. It was the same way I felt when partition took place and we, the people living in the newly-constituted state of Pakistan, had to leave our home and hearth to migrate to India.

I never imagined that a cosmopolitan city like Bengaluru could be the scene of linguistic chauvinism, which would go to the extent of killing of Tamils by Kannadas. Leading IT firms preferred to open their offices there because they considered the city liberal and peaceful. If someone had asked me at that time that such scene could be repeated at a place like Bengaluru, I would have said: No and never.

Yet this has happened because the people known to be liberal were swept off their feet over appeals in the name of parochialism. Fortunately, Tamil Nadu chief minister J. Jayalalithaa's determination not to allow similar incidents happening in the state prevented any reprisals. She rightly deserves the kudos for handling the problem before it could assume a proportion leading to indiscriminate violence.

There is a long-standing dispute between Karnataka and Tamil Nadu on sharing of the Cauvery water. This is not the first time that Karnataka has refused to abide by the Supreme Court verdict on the amount of water to be released to Tamil Nadu. Earlier, whenever such a situation had arisen, the people of

both states had been at each other's throat. So, what is happening in Bengaluru today is a mere repetition.

But what is the way out? Nobody can challenge the Supreme Court's decision, but the problem can be solved by sitting across the table and arriving at a solution, particularly when people's emotions are involved. Since the river water dispute between Karnataka and Tamil Nadu is a sensitive issue, I recall former Prime Minister Atal Bihari Vajpayee's idea of evolving a consensus to handle the issue.

Knowledgeable circles have been warning the nation against the dangerous consequences of letting the river water dispute linger on. Karnataka's unilateral decision to abrogate all the inter-state river water agreements has created a situation, the like of which the nation has not experienced. And to cap it all, all chief ministers of the states have been indulging in a slanging match, which does not go well with the idea of a federal structure which the Indian constitution demands.

Needless to say, it is difficult to find a consensus on the sharing of river waters than on any other subject. The protracted war of nerves between the two states on the sharing of Cauveri waters is a case in point. Consensus can be evolved only when political parties rise above their parochial interests to use their vision to make water into a factor that unites our country. They need to have the necessary will to achieve this noble goal. It is not

impossible to find a formula protecting the interests of both Karnataka and Tamil Nadu.

I had always thought our real problem was population. I did mention this to an American Nobel Prize winner who contradicted me and said: “Your problem is going to be water.” We were discussing the ordeals that India would face in the years to come. Our views did not tally even after a long discussion. What happened at Latur in Maharashtra some time ago has renewed the American’s warning to me. He had also given me an optimistic side: There is an ocean of water under Yamuna-Gangetic plain waiting to be tapped. I wonder if this is true. Had it been so, the government would have done a scientific study by this time to estimate the collected water. I have not heard of any such plan so far.

India has seven major rivers—the Ganges, Brahmaputra, Indus, Narmada, Krishna, Godavari and Cauveri—and numerous tributaries. New Delhi has set up the Central Water and Power Commission to have a systematic plan to harness not only water but also generate power. This has worked to a large extent but in certain parts of India the fallout has been a series of disputes which even after decades remain unsolved. Nearer home, Haryana, then part of Punjab, has refused to release water to Rajasthan and Delhi. This goes contrary to the stand New Delhi had taken when the Indus Water Treaty was signed. At that time we argued that we wanted more water because we had to irrigate Rajasthan, which has a large part of desert.

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## Behind the Debate on GM Mustard

**Bharat Dogra**

There has been a fiercely contested debate on the possibility relating to the introduction of a genetically modified (GM) variety of mustard which is called the transgenic mustard hybrid DMH-11. Very powerful interests are at work just now to ensure that this variety gets approval in the near future to become the first GM food crop variety of India.

Although this particular variety is supposed to have been developed by university scientists, lobbyists of world’s biggest multinational companies who had earlier tried their best to get approval for Bt brinjal are now no less active to somehow ensure that GM mustard is approved. The reason is well-known and the game is well understood by these powerful and well-connected lobbyists who have penetrated deep into decision making and influencing circles.

It is well understood by all of them that it is only a matter of first getting the door opened somehow for GM food crops and then it is only the multinational companies who will get the main benefits as the entire GM technology is heavily concentrated in the hands of a few multinational companies at the world level.

Eminent scientists who have examined the technology of genetically engineered (GE) or genetically modified (GM) crops have come to a clear conclusion that it is a highly hazardous and risky technology. For example eminent scientists from several countries who comprise the Independent Science

Panel (ISP) have drawn this conclusion after studying various aspects of GM crops, “GM crops have failed to deliver the promised benefits and are posing escalating problems on the farm. ...GM crops should be firmly rejected now.”

In his widely acclaimed book ‘Genetic Roulette’ Jeffrey M. Smith has summarised the results of a lot of research on the health hazards of GM crops/food, “Lab animals tested with GM foods had stunted growth, impaired immune systems, bleeding stomachs, abnormal and potentially precancerous cell growth in the intestines, impaired blood cell development, misshapen cell structures in the liver, pancreas, and testicles, altered gene expression and cell metabolism, liver and kidney lesions, partially atrophied livers, inflamed kidneys, less developed brains and testicles, enlarged livers, pancreases, and intestines, reduced digestive enzymes, higher blood sugar, inflamed lung tissue, increased death rates, and higher offspring mortality.”

In a review of recent trends titled ‘Food Without Choice’ Prof. Pushpa M. Bhargava (who was nominated by the Supreme Court of India in the Genetic Engineering Approval Committee to protect safety concerns), internationally acclaimed authority on this subject, drew pointed attention to the “attempt by a small but powerful minority to propagate genetically modified (GM) crops to serve their interests and those of multinational corporations (MNCs) (read the US), the bureaucracy, the political setup and

a few unprincipled and unethical scientists and technologists who can be used as tools.” Further he has warned, “The ultimate goal of this attempt in India of which the leader is Monsanto, is to obtain control over Indian agriculture and thus food production. With 60 per cent of our population engaged in agriculture and living in villages, this would essentially mean not only a control over our food security but also over our farmer security, agricultural security and security of the rural sector.”

These wider aspects of the debate on GM crops should also be kept in mind to understand the wider implications of the possible approval of GM Mustard for which such high pressure lobbying is being done at present.

It is heartening to know that several scientists as well as organizations of farmers, environmentalists as well as social activists have come forward to warn about the dangers of GM mustard. They have pointed out

alarming facts relating to the problems in the testing process and the serious lapses in the regulatory process and organisation where specific examples of conflict of interest have been pointed out. It appears that those who are a part of the GM lobby have themselves been given a decision making role! In such conditions the role of independent and aware citizens’ groups becomes even more important in protecting public interests relating to health, environment and livelihoods.

*(Continued from Page 2)*

watch pornography in late night and early morning hours. It just goes to show how far removed the VC may have been from any kind of academic activity during his career. Such moral policing in an institution of higher learning is ridiculous. The university authorities have dragged the names of protesting students, in an incident of brawl among another set of students and medical doctors on campus, to intimidate them. One of them Vishnu Yadav was participating in a NCC tournament at Amroha on the date of incident. Similarly, the other eight were also not present on the site of brawl. Clearly, the university is being vindictive towards dissenting students.

A university professor taking to lathi over students protesting for their democratic rights is an unusual thing. Not if you’re at BHU. The Rashtriya Swayamsewak Sangh associated VC has given preference to RSS affiliated persons in hiring and other things. Sanskrit Bharti is running Sanskrit classes on campus and RSS shakhas are common. Since lathi wielding is part of RSS tradition, it should not come as a surprise that a professor displayed his latent talent in this field publicly.

The day may not be far when attending RSS shakhas may be made compulsory for students and lathi wielding skill may be considered a pre-requisite for faculty recruitment. With a RSS VC at the helm of affairs such things are not completely inconceivable.

The RSS has either completely shut down progressive institutions like the Gandhian Institute of Studies or is interfering in subtle ways like at BHU. Overall, it has destroyed the academic culture of our institutions and is imposing its ideology through people, legally or illegally, thrust upon these institutions. The atmosphere of serious teaching and research is getting affected as the academic community is expected to toe the RSS agenda. The RSS doesn’t want thinking individuals, it wants obedient citizens.

Some daily wagers are sitting on the BHU main gate in support of their demand to make them regular according to a resolution adopted in an Executive Council meeting of the university in 1997. It has been over 70 days and a few workers have also started an indefinite fast. But

the university authorities are oblivious to the ongoing struggle. RSS is also known to be insensitive to human suffering unless it can get them political advantage.

The anti-social nature of the Professor G.C. Tripathi, BHU VC, is also obvious.

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# Withdraw the Yash Bharti Award to Dr. Gandhi

**Praveen Srivastava**

Yash Bharti is the highest state-level award conferred by the Government of Uttar Pradesh for excellence in literature, fine arts, classical music, folk music and sports. In addition to Prize Money of 11 lakhs, the Government of Uttar Pradesh provides Rs 50,000 monthly pension to the recipients of Yash Bharti.

In March 2014, the Government of Uttar Pradesh announced the name of Dr. Jagdish Gandhi, Founder-Manager of City Montessori School, as a recipient of the Yash Bharti Award stating that he has contributed remarkably to the field of education.

However, Dr. Jagdish Gandhi is not an educationist in the real sense. In 2015, Dr. Jagdish Gandhi's City Montessori School (CMS, Lucknow) had refused to admit 31 students belonging to socially and economically deprived sections of

society in Class 1 and Nursery as per the provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009.

CMS authorities misbehaved with 31 parents when they approached the school on April 16, 2015 after the deadline for admission completion passed. Aggrieved and devastated, parents staged a peaceful protest outside the school, led by Magsaysay Awardee, Dr. Sandeep Pandey.

When ordered by Basic Shiksha Adhikari of Lucknow to admit these students, the school through its Founder Manager challenged the same before the Lucknow Bench of Allahabad High Court.

Vide order dated 6.8.2015, the Court ordered CMS to admit 13 students in the respective classes for the academic session 2015-16 adhering to the provisions of the RTE Act, 2009 and the UP RTE Rules

2011. Despite the order of the Court, CMS did not admit these students immediately. In July, 2016, the Supreme Court of India rebuked CMS when it had filed a petition before the Court to transfer these 13 students to some other school.

This year also, CMS has refused to admit 58 students belonging to socially and economically disadvantaged groups under S. 12 of RTE Act, 2009.

The real face of Dr. Jagdish Gandhi has got exposed as he is violating the fundamental right of education as enshrined under Article 21A of the Indian Constitution.

Therefore, in light of these facts, it is necessary that the Government of Uttar Pradesh should withdraw the Yash Bharti Award given to Dr. Jagdish Gandhi. Continuance of the Award to Dr. Jagdish Gandhi is an insult to the country and its people.

*(Continued from Page 3)*

Unfortunately, several incongruities are responsible for interstate water disputes. Even after 70 years of independence, the disputes are far from settled. When the Congress ruled both at the Centre and in the states, the problems never assumed an ugly shape. The Bhartiya Janata Party (BJP), which then only commanded a few Lok Sabha members, did not count much. It is a different scenario today. Now that it has a majority in parliament, the party sees to it that the states run by it get the maximum benefit, rules or no rules.

However, the situation is different in the south. Both Karnataka and Tamil Nadu are ruled by parties other than the BJP. New Delhi should have stepped in long ago. Prime Minister Narendra Modi who claims to have united different parts of the country into one unit looks distant from the problem that Karnataka and Tamil Nadu face. His statements have been general. What is needed is tackling of the country's problem arising out of language, border or water.

Hindus and Muslims who were

living together for hundreds of years became strangers soon after partition and had no compunction even in raping women. They were facing on a large scale the situation which Karnataka and Tamil Nadu are encountering on a small scale today. Sometimes I shudder that the disputes among the states may take the shape of some kind of partition. When friends and neighbours could suddenly become strangers because they pursued a different religion, what the Kannadas did on the streets of Bengaluru could well be a page from the history of partition.

# Why the left shouldn't get too comfortable after its JNU victory

**Kuldeep Kumar**

The central message of the Jawaharlal Nehru University Students' Union (JNUSU) elections is that the 'Stand With JNU' campaign has decisively defeated the 'Shut Down JNU' campaign. The latter, which was launched by saffron pseudo-nationalists and their fellow travellers, wanted to destroy one of the finest universities in the country merely because it offended their sensibilities – JNU's emphasis on the freedom of thought, the academic excellence that results from such freedom, the institution's democratic culture of discussion and debate and the ideological hegemony of the Left were all too much for the 'Shut Down JNU' wallahs.

The RSS, through its publications, has been attacking JNU and its liberal intellectual culture for a long time, making the same allegations that were levelled against the university after the events of February 9, when some people allegedly shouted anti-India slogans at a public event. On November 3, 2015 *Firstpost* quoted an article published in the latest issue of RSS' Hindi weekly publication *Panchajanya*, that described JNU as an institute "where nationalism is considered an offence", Indian culture was presented in a "distorted way" and "removal of Army from Kashmir is supported" besides various other "anti-national activities" taking place there.

As I have previously written, Jawaharlal Nehru has always been a hate figure for the RSS. Little wonder then that *Panchajanya*

wrote, "Jawahar Lal Nehru promoted higher educational and research institutions as factories of socialist ideology which could provide the intellectual input for his and later Indira Gandhi's social and economic agenda."

The article was written by somebody who claimed that he had studied at JNU and had "often heard JNU professors discuss means and measures to undermine national unity and culture at events organised by anti-national organisations". His experiences made him realise that "JNU is home to a large chunk of anti-national groupings which have the singular aim of disintegrating India."

The arrests and sedition charges failed to dampen the fighting spirit of JNU's students and teachers and they began staging protests, aligning with Dalit students from Hyderabad University after Rohit Vemula's suicide came to light. Very soon JNU's critics launched a 'Shut Down JNU' campaign through social and mainstream media. Surprisingly, the movement even received support from some BJP members who should have known better given their educational backgrounds. For instance, BJP Rajya Sabha member Chandan Mitra, owner and chief editor of *The Pioneer* group of publications, started his career teaching history at Delhi University (DU) and has a Ph.D from Oxford University, but still lent his support to this campaign. Attacking JNU, he opined that "the self-destructive agitation at JNU has

given the government the best opportunity to shut it down for ever, cut its financial losses, and get rid of a factory that produces only spongers and malcontents." He mocked the agitating students by describing them as "subsidy-deprived."

It was very clear that JNU was facing a very well-strategised attack from all sides – JNUSU officer bearers were arrested along with some other students, BJP lawyers physically attacked JNU students, teachers and media persons inside Patiala House, home minister Rajnath Singh commented on the need for tough action against 'anti-national' elements, and Smriti Irani, who was human resources development minister at the time, and vice-chancellor Jagadesh Kumar's attitude towards these events had the university surrounded by criticism.

The JNUSU elections took place against this background. For many on campus, it was clear that ABVP and its Hindutva-based brand of nationalism posed the greatest danger to the university's culture of free debates, discussions, disagreements and intellectual independence. The way the media created a nationalist frenzy and portrayed JNU as a centre of sedition made it even more imperative to safeguard JNU's distinctive character by forging unity among its democratic and secular forces. However, Left as well as non-Left organisations were not able to look beyond their organisational interests and focus on the single issue of

saving JNU as an institution. This resulted in AISA – the student wing of the Communist Party of India (Marxist-Leninist) – and SFI, which is linked to the CPI(M), entering into an alliance without AISF, Kanhaiya Kumar's parent organisation, which is the student wing of the Communist Party of India. Thus it was obvious that all was not well in the Left camp. Similarly, Democratic Students' Federation (DSF), a splinter group of the SFI, too abstained from joining the alliance. This made it clear that the Left vote would split.

The unity that was forged between the Left and the Ambedkarites during the many months of struggle also amounted to little as the Birsam Ambedkar Phule Students' Association (BAPSA) decided to confront the '*savarnvad*' (upper casteism) of the Left by contesting on its own. BAPSA obviously wanted to take advantage of the disarray in the Left camp. If the ABVP played up the identity politics of Hindutva, BAPSA tried to articulate its Dalit identity, asserting that only Dalits could understand their own problems and get them resolved. Convinced that it was going to win the elections, the two-year-old organisation went to the extent of equating red with saffron and bracketing the Left organisations with ABVP for representing people from the upper castes.

Despite the grave challenges faced by JNU, Anand Kumar and Yogendra Yadav too put up candidates from their Swaraj Abhiyan. In 1973, it was Kumar who brought all the anti-Left elements together under one umbrella organisation called Free Thinkers. This time too, he failed to appreciate that JNU was fighting for its survival and all freedom-loving students

should be united in this fight against fascist tendencies.

If one looks at the JNUSU election results, it seems that the ABVP has suffered a definitive defeat. In their youthful enthusiasm, students even took out a funeral procession for an ABVP effigy. However, a closer look reveals that the situation is not all that simple. The ABVP candidates for the office bearers' posts have polled more than 1,000 votes, that is between 20 to 25% of the total votes polled. Had AISA and SFI not come together, ABVP could have easily won the election. It is obvious that their support base remains intact – even if it has not expanded after the nationwide frenzy that was created by RSS and its affiliates and was enthusiastically supported by dominant sections of the media.

An unusually high number of students have exercised their right to not vote for any candidate and tick NOTA on the ballot paper. In the case of the vice-presidential position, the number went up to 415. It shows that either these students are apolitical or are so disappointed with the existing political formations on campus that they do not wish to choose any of them. In a university where the average political consciousness of students is supposedly much higher than other places, such indifference is highly surprising. This should force student activists of all hues to think about its causes. Left organisation should be more worried than others about this phenomenon.

The recently concluded JNUSU elections do not give any reason to the victorious Left organisations to gloat over their success. In fact these results should serve as a wake-up

call to them. The message is very clear to the victors as well as to other organisations like the DSF, AISF, BAPSA and SFS (Students for Swaraj). If they continue to fight among themselves and fail to forge the broadest possible group against the ABVP, they will not be able to repeat this feat in the future. There is a message for the ABVP too. In keeping with its ideology, it should feel free to attack the Left and other political adversaries, but refrain from attacking the very institution where its members are studying. It brings to mind the famous episode from Kalidasa's life where he was cutting the branch of the very tree he was perched on. Is it a coincidence that the ABVP won the sole councillor's seat from the Centre for Sanskrit Studies?

–The Wire

### Books by Surendra Mohan

1. **Vikas Ka Rasta: Nai Arthik Neetiyon ka vishleshan..** Price 600 rupees.
2. **Samajwad, Dharma Nirapekshata aur Samajik Nyaya** Reissued as second edition; Price 500 rupees
3. **Vartaman Rajneeti ki Jwalant Chunautiyan.** Price 400 rupees.
4. **Dr. Ram Manohar Lohia ki Neetiyan:** (This booklet was published late last year.) Price 25 rupees.

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# Amnesty Report on Kashmir : an attempt to uncover a narrative of denied justice

**Neha Dabhade**

An FIR was recently registered against Amnesty International India (AII) on charges of sedition and other IPC sections. Amnesty International India had organized a panel discussion which included Kashmiri Pandits and others. This discussion was a part of the campaign supported by AII to promote justice for victims of human rights violation in Jammu and Kashmir. The Kashmiri Pandits present at the discussion chanted slogans hailing the Indian Army, which was met with pro-freedom sloganeering by some of the youth in the audience. Though AII clarified that it doesn't take any positions on self determination with regards to Kashmir, the government insisted that the event is 'anti-national', like the ABVP (Indian Express, 2016). In the midst of the chaos and din raised by the ABVP, the Report that Amnesty has published to uncover the plight of Kashmiris in Jammu and Kashmir got sidelined if not completely invisibilised. Kashmir today is like a war zone where on one hand there is violence perpetrated by the militants and on the other hand, a strong presence of the Indian Army and internal security forces fighting against these militants. There have been rising concerns on the excesses committed by the Army and internal security forces against the citizens leading to worst forms of human rights violations. The Report, published in 2015, is called "Denied" Failures in Accountability in Jammu and Kashmir. It outlines the obstacles faced by the victims and their

relatives in Kashmir when there are human rights violations and the role played by the security forces in this. The salient points of the Report are mentioned below.

The Amnesty Report begins with defining the scale of human rights violations in Kashmir that have been perpetrated by security forces personnel with glaring impunity. The Report states that from 1990 to 2011, the Jammu and Kashmir state government reportedly recorded a total of over 43,000 people killed. Of those killed, 21,323 were said to be 'militants' 10 13,226 'civilians' (those not directly involved in the hostilities) killed by armed groups, 5,369 security force personnel killed by armed groups, and 3,642 "civilians" killed by security forces.

This impunity is greatly accorded to the security forces by laws like Armed Forces Special Powers Act, 1990 (AFSPA) which gives them sweeping powers that lead to extrajudicial executions and other human rights violations. Section 7 of the AFSPA makes it mandatory to seek the prior sanction of Central and State authorities in order to prosecute any security force personnel in civilian courts. Under the pretext of protecting national security, the excesses of the security forces go unchallenged. 96% of all complaints brought against the army in Jammu & Kashmir have been dismissed as "false and baseless" or "with other ulterior motives of maligning the image of Armed Forces".

To elaborate the consequences of such a system, the Report narrates the story of 17 year old Javaid Ahmad Magray who disappeared on 30<sup>th</sup> April, 2003. His parents searched high and low for him after seeing bloodstains on the pavement and security personnel outside the gate. The authorities at the army camp gave evasive answers as to the whereabouts of Javaid stating that he was taken by them for questioning until finally admitting that he was declared dead at the Soura Medical Institute. The parents found out that Javaid was wounded in an encounter with the army who claimed that Javaid was a militant. When an inquiry was carried out by the District Magistrate, it was concluded that Javaid was not a militant and the army's version of the killing was false. His parents wrote to the Ministry of Defence for sanction to prosecute the guilty officers under Section 7 of the Jammu and Kashmir Armed Forces Special Powers Act, 1990. After a long and painful wait, in 2012 they got a reply from the Ministry denying permission to prosecute stating, "...the individual killed was a militant from whom arms and ammunition were recovered. No reliable and tangible evidence has been referred to in the investigation report."

Unfortunately this is not a stand-alone case where sanction to prosecute was denied. The practice of the Ministry of Defence and the Ministry of Home Affairs, which sanctions prosecutions of the army and internal forces personnel



respectively, has been to either deny sanction or remain silent on such applications without citing any reason. The family members are not required to be informed about the status of the sanction, whether it is granted or denied. They often assume that the sanction is denied. This frustrating wait compels the relatives to give up the pursuit of justice which closes all avenues of appeal. Most of the times, the families are not even aware of the procedures to apply for permission to prosecute.

AFSPA by nature seems colonial, where similar laws were used by the British to preempt any legal challenge to their violence in India. AFSPA is considered draconian in the light of opinions and recommendations against it as expressed by committees constituted by the State and also by UN rapporteurs on violence against women; and on extrajudicial, summary or arbitrary executions. They have repeatedly pointed out that AFSPA had bred a culture of violence, especially against women, and eroded the principle of transparency and accountability of the state. The recommendations range from review of the law to its repealment.

Another important issue highlighted by the Amnesty Report is that since all cases are tried in military courts, civilians have limited options to appeal against judgments of these courts. The Supreme Court's extraordinary appellate jurisdiction, the Special Leave Petition, is barred from reviewing decisions made by military courts under the Constitution of India. This problematizes the jurisdiction to try cases of human rights violations that is vested with the military courts.

Principle 29 of the Updated Set of principles for the protection and promotion of human rights through action to combat impunity also states: "The jurisdiction of military tribunals must be restricted solely to specifically military offences committed by military personnel, to the exclusion of human rights violations, which shall come under the jurisdiction of the ordinary domestic courts..."

Similarly, with respect to investigations, an inquiry that is conducted by the same authority accused of the crime raises serious questions about the independence and impartiality of those proceedings. International law requires that crimes under international law be investigated by an independent authority, namely, an authority not involved in the alleged violations. The Indian Army's Human Rights Cell reported that as of 2011, it has dismissed over 96 percent of the allegations of human rights violations brought against its personnel since 1993. The army had received 1,532 allegations of human rights violations (995 from Jammu and Kashmir, 485 from North-Eastern states, and 52 complaints from other states) out of which 1,508 were investigated, and 24 investigations remained pending as of 2011. Out of a total of 995 complaints of human rights violations against the army in Jammu and Kashmir, 986 have been investigated by the army to date, while 9 investigations currently remain pending. The army says it found that 961 of these allegations were "false, baseless" through internal enquiries. In the 25 cases found to be "true," it says 129 army personnel were punished.

The Report points out inherent defects within the military justice

system in which there are four types of court martials: general court-martial (GCM); district court-martial (DCM); summary general court-martial (SGCM); and summary court martial (SCM). In each type, members of the court martial are a part of the executive chain of command, meaning that there is a notable lack of independence. Court-martial proceedings are subject to judicial review under Article 32 of the Constitution of India (before the Supreme Court) and Article 226 (before the High Court). Thus, it is theoretically possible to challenge the verdict of a court-martial by filing a writ petition under either Article 32 or 226. However, there are no known instances of persons not subject to military law in Jammu and Kashmir challenging court-martial decisions through writ petitions.

Furthermore, the members have no qualifications or legal training of courts, thereby jeopardizing the prospects of justice.

In order to understand the implications of lack of independence of military courts, the Report narrates the story of Mushtaq. Mushtaq Ahmad Hajam was returning home after his prayers at a local mosque in Nowhatta, Srinagar on the 17<sup>th</sup> of August 1990, where he was shot at by a CRPF constable, leaving him fatally wounded. An FIR was filed by the family members of Mushtaq. The CRPF report, however, stated that the constable fired in "self-defence", though the police investigation wanted to convict the constable under Section 7 of the Armed Forces (Jammu and Kashmir) Special Powers Act in 1996. The CRPF court of inquiry and the Central government have however been

reiterating time and again that no criminal cases can be pressed on the accused, and also that the case cannot be tried in civilian courts. Mushtaq's family still awaits justice.

According to the Report, the first obstacle is the reluctance of the police itself in filing of the complaints. Furthermore, the police does not take action until compelled to by the court and subsequently there are long drawn out cases. Sheila's story elaborates this aspect. Sheila was allegedly subjected to torture and sexual violence at the hands of the Deputy Superintendent of Police who was investigating the death of her neighbor. However, she experienced a lot of resistance from the police when she went to register her complaint. Subsequently, the Inspector General of police visited her family and offered an amount of 200,000 rupees, and jobs for both of her brothers. She refused to accept these, fearing future harassment. The State Human Rights Commission whom she approached in 2004 passed a judgement in 2008 stating that compensation be provided to Sheila's family and a police complaint be registered. Neither of these recommendations were implemented, however.

The next obstacle comes in the form of lack of cooperation of the army and security forces with investigations by the police. This ranges from not being present for questioning, to not responding to requests for the rosters of personnel involved in operations, records of weapons and ammunition used, etc. This has led to justice being denied to many. When Irfan Ganai and his cousin Reyaz stepped out of house to investigate a gunshot, fearing stolen cattle, a subsequently fired gunshot hit killed him. His family

members guarded the body for more than 15 hours to ensure that the army doesn't take his picture and label him a militant in front of the authorities. What followed was a gruesome denial of justice, as the army refused to cooperate with the Sub-Divisional Police Officer who had sent letters to the Commanding Officer of the 13 Rashtriya Rifles regarding the details of the army personnel involved in the operation on the 30<sup>th</sup> of June, 2013, repeatedly. This uncooperative demeanour extended in case of the army officers and personnel too, who, despite being summoned for testifying, remained absent from all scenarios of investigation, eventually leading to the police abandoning the investigation unfruitfully.

What is perhaps the most heart rending experience of the Kashmir conflict is the plight of the relatives and the families of those who disappear or become victims of extrajudicial executions. Their quest for justice becomes painful when no information is given to relatives about the investigations. The police station refuses to divulge information to relatives and most of the times officers don't even meet them. Ghulam Mohammad's son Abdul Hamid Dar was arrested on the 29<sup>th</sup> of December, 1995 by the army, and they later confirmed he was being held at the Sheeri camp in Baramulla. When he was allowed to meet Abdul at Boniyar camp on the 8<sup>th</sup> of January, they were allowed to see him from a distance, and his body seemed to be propped up on a bench, unmoving. Ghulam believes that his son was killed by the army and it disposed off his son's body when the police station refused to accept it. Ghulam tried filing an FIR at Sheeri police station, but it was not filed until six months later.

Subsequently, Ghulam filed a habeas corpus writ in the High Court, and the court ordered a judicial enquiry. Ghulam and his family never got to know the contents of the report. Neither were they informed about the outcome of the judicial proceedings. They were offered compensation to settle, but they did not. The investigation was then taken up by the State Home Department, which sought the Centre's permission to execute two army personnel, which was denied in December 2011. All through this, Ghulam's family was kept out of the loop, and they eventually decided to give up on the case.

After facing harassment and trauma during the investigations as seen above, the lack of adequate financial compensation to families adds insult to their injuries. Most of the times, the victims are the sole breadwinners in the families. In spite of this fact, procedures for access to compensation remain weak. For instance, families are often intimidated by the concerned authority to withdraw cases by offering them compensation. Many don't take compensation viewing it as a tacit bargain to withdraw their cases. In addition, conditions are placed on eligibility for financial relief like, not being involved in militancy which in the first place is the allegation to be proved. Another condition is that the death certificate of the victim has to be furnished. This is impossible in cases of enforced disappearances since the victims are declared dead only after 7 years of the disappearance.

### **Recommendations:**

- The provisions of prior sanction for prosecution from the State

*(Continued on Page 15)*

## Bhumi Adhikar Andolan

The *Bhumi Adhikar Andolan* Convention extends its solidarity to the ongoing struggles within the Gujarat and resolved to work with them and work towards building a more equitable and just society and people centre development.

Three day long national convention of the Bhumi Adhikar Andolan was held at Ahmedabad in the wake of the increased attack of the global capital unleashed by brazen corporatisation and unbridled FDI in key sectors resulting into high price rise, inflation, and naked loot of the natural resources by corporates, all facilitated by the policies of the Union government and certain state governments. The convention was attended by more than 500 activists of 15 states who dwelled on the on-going struggles in their regions; ground situation of the alliance building processes; centre and state governments attempt at subverting democratic processes by changing laws and issuing notifications and obsession of the political elite with the current GDP based growth model. It discussed the unfolding situation at various levels where the precariousness of the nature resource based communities was increasing and life of toiling workers and masses was becoming harder everyday, as the impact of 25 years of the reforms becomes visible everywhere and inequality in the society reaches its zenith.

The Convention also took note of the massive unrest in the society caused by the economic hardships faced by the society and in particular dalits, adivasis and marginal communities. It also discussed the

growing attack on the minorities and sense of insecurity; massive political unrest in certain parts of the country demanding reservation for certain caste groups; and rights violations of the people in conflict areas due to heavy militarisation and failure of the State to find political solution, promote democratic processes and undertake peace initiatives in wake of provocations by the non-state actors.

The convention agreed that it was after a long drawn struggle and sacrifice that the Land Acquisition Act 1894 was repealed and new Land Acquisition Act was legislated in 2013 by the Parliament. Although there were inadequacies it had some progressive elements like the principle of prior informed consent, Social Impact Assessment, safeguards for food security, enhanced compensation etc that gave some protection to land losers and dependents on land. However, after the Narendra Modi led BJP government came to power it brought a draconian Land Acquisition Amendment Ordinance that tried to do away with the need to seek consent, have SIA or safeguard food security and allowed for unbridled forcible land acquisition.

The united issue-based opposition built against the BJP Government's move to impose the draconian Ordinance (promulgated thrice) had forced the Government to withdraw the move at least temporarily. Bhoomi Adhikar Andolan played a significant role in building up a momentum and public opinion against the Ordinances. The Government had to concede its first defeat by not issuing the Ordinance

for the fourth time. The withdrawal of the Bill from the Parliament is still pending and we must remain vigilant about it.

Building on this political victory, the convention deliberated upon plethora of issues facing the country and made these observations, assertions, and put forth demands upon the government and also for its own constituency.

**1. No forced acquisition and displacement :** Keeping in view the nation-wide build-up against its attempts to dilute the 2013 Act and withdraw whatever little progressive content and safeguards the Act offered, the BJP Government has changed its strategy. It has come up with a move to try and sidestep such united opposition by calling upon States to come up with land acquisition legislations facilitating easy land grab. Already Gujarat have legislated laws like SIR Act and other to dilute the Land Reforms legislations and facilitate land grab. In Odisha, Maharashtra, Rajasthan, Tamilnadu, Karnataka and other States also such moves are afoot. Odisha also is now planning to allow purchase of tribal land. On the other hand it is declaring traditional forest cultivators and tribals as land grabbers.

The interim period from December 2014 to August 2015 when the Land Acquisition Ordinance was in place Andhra Pradesh government managed to acquire thousands of acres of land in the name of the State capital and several other projects through land pooling. Rights of peasantry and dependents on land have been disregarded across the

country. In all these legislations the rights of Dalits and Adivasis are being undermined. The rights of the Narmada Dam oustees as well as hundreds of other projects are being denied and there have not been any effective rehabilitation and resettlement.

Large tracts of land are being forcibly acquired in the name of industrial corridors, economic corridors, smart cities, National Investment and Manufacturing Zones, (NIMZ), SEZs, industries and infrastructure development. Lakhs of acres are under the potential threat of acquisition under the DMIC, BMIC Economic Corridor, Bangalore-Chennai Economic Corridor, Vishakapatam – Chennai Coastal Corridor and such Projects. Loot of land, mineral and forest resources as well as common property resources have been rampant as the corporates and land mafia have been given a free hand.

We envisage protecting land from acquisition without people's prior informed consent and democratic Social Impact Assessment. Plunder of forest and mineral resources will be resisted. We also envisage occupation of lands remaining unutilised and demand re-distribution to landless with the slogan of 'Zameen Wapsi'.

**2. Empower local self government institutions** and their role in Development Planning, implement Forest Rights Act, PESA and ensure protection of constitutional rights as per the Fifth and Sixth Schedules: We believe effective implementation of the provisions for the FRA and PESA would empower the Gram Sabhas and Panchayats to play their constitutionally mandated role, as per

73<sup>rd</sup> and 74<sup>th</sup> amendment, in the development planning and communities would get control over natural resources and secure their livelihoods. Any attempt at the subversion of these acts will only undermine the democratic processes and people's movements will resist them by all means. 15<sup>th</sup> December, 2016 will mark tenth anniversary of the FRA and Bhumi Adhikar Andolan will organise massive rally at Jantar Mantar with clear demand of effective implementation of the Act and challenge any attempts at amending the Act.

**3. Bring a national Land Use policy** to protect farm land from large scale diversion to non-agricultural purpose like industry and infrastructure, prioritise housing rights for poor in the Urban land-use and not promote evictions and displacement in name of Smart Cities: A comprehensive Land Use policy should be made which protects farm land from large scale conversion for non-agricultural purpose, with clear regulation and public participation. Priority should be given to food security and livelihood security, focusing not only on irrigated multiple-crop land but also single-crop land in rainfed areas which form 60% of cultivated area. Gram Sabha and Panchayat should have control over the utilization of public lands which serve common purpose such as grazing, with clear provisions to ensure access and use by the most needy communities such as Dalits and tribals. In some cities, agricultural and livestock rearing has been banned, facilitating easy conversion of land use, this needs to be changed.

No common land including wasteland be diverted for industrial purposes without the consent of the

Gram and Basti Sabha. Most often these are being encroached upon by the powerful caste and capital interests and State has turned blind eye to them, often acting only against the poor, dalits and adivasis.

Clear provisions should be made for reclamation of wasteland into agricultural land, protection of green cover to prevent soil erosion, degradation and groundwater depletion, and improving agricultural land to make it more suitable for effective production. Coastal land and fragile areas such as Western Ghats should be protected applying the environmental laws and regulations.

Urban land-use should be planned with priority to housing amenities and livelihood for the poor with in-situ housing projects for poor localities. There should be no cut-off date for Right to Shelter, whereas appropriate cut-off dates can be designated for government allotted subsidized housing including middle class. Urban Land Ceiling Acts should be revived. Land-use planning should be participatory with public hearings in communities above 3000 families.

In the name of Smart Cities, poor and working class is being evicted from the cities and that needs to be stopped. The whole concept of smart cities like its predecessor JNURM is anti poor and pro-corporate. Any planning has to be done keeping in mind the needs of the most marginalised and working classes in the cities.

**4. Changes to Environment Laws not acceptable** : Based on the recommendations of the T S R Subramanian Committee, environment laws are also being changed to suit the demands of



corporate sector and take away the rights of the people and local self government institutions. Slums are being forcibly cleared and even coastal land is being encroached upon for ports, big infra projects, PCPIR and so on trampling upon the rights of the traditional fishworkers. All this would lead to massive displacement and permanent denial of land rights of the landless. Lakhs of acres of land acquired in the name of industrialisation, SEZs etc is remaining unutilised.

**5. Ban illegal mining,** ensure inter generational parity in resource utilisation, and implement SC guidelines in Goa Foundation case: The scourge of illegal mining is haunting the hinterland as well as the river beds and sea coasts, polluting water sources, running streams, and causing massive damage to ecology and economy both. The rampant mining and extractives based economic growth model is leading to destruction of the nature and mother earth and contributing to the large scale climate change. Hence, the need for no mining in 'No-Go' areas (and build upon this criteria), dense forests and climate sensitive forests areas.

**6. Address agrarian crisis,** implement SC judgement on tackling draught, ensure income security for every agricultural household, and establish a permanent Farmers' Income Commission: Over 3.2 lakh farmers have committed suicide since 1995 at the rate of one farmer committing suicide every half an hour according to conservative estimates put forward by the National Crime Records Bureau. In reality the human tragedy is of a magnitude unheard of in the entire history of humanity. The Government is cutting down public

investment for agriculture and rural development, rural credit is increasingly inaccessible to poor and marginal farmers, indebtedness and landlessness is rising, allocation for MGNREGA is being drastically cut, farmers are not getting remunerative prices for their products despite ever increasing costs of production. Sugarcane farmers are to get thousands of crores of arrears from the corporate Sugar lobby. Trade liberalisation and indiscriminate entry into Free Trade Agreements is leading to dumping of cheap agricultural products including dairy products thereby pushing our farmers into distress. Procurement facilities are being curtailed, Extension services systematically dismantled and farmers are getting prices far below the actual cost of production.

**7. MSPs should be declared at 50%** above cost of cultivation. Ensure that farmers get MSP in all 25 crops through procurement, market intervention and price guarantee: The BJP Government has gone back on its election promise of providing Minimum Support prices according to Swaminathan Commission Recommendation of C2+50% i.e at least 50 percent above Cost of Production and had filed an affidavit to that effect in Supreme Court. It has also banned procurement from States which provide bonus over and above the MSP. The Government is kowtowing to diktats of the USA, EU and other countries in the WTO and cutting down food and agricultural subsidies. The entire agricultural policy is to aid profiteering by seed monopolies and agribusinesses at the expense of the people. The Bhoomi Adhikar Andolan stands opposed to all such policies and will strive for alternative policies that will ensure food and livelihood security to all as well as

decent standard of living including housing, health and education. Bhoomi Adhikar Andolan stands resolutely against unequal Free Trade Agreements, WTO diktats, trade liberalisation and against any such monopolistic deals with other countries.

**8. Implement Land Reforms** – Give land to landless agricultural workers not corporates: There should be renewed focus on land reforms to give ownership of land to deprived sections, especially Dalits, adivasis, women, project-displaced families, and so on. Ceiling limits should be properly enforced stopping the exemptions and loopholes allowing thousands of acres to be taken over by a few individuals and corporates, and making surplus land available for distribution.

**Ensure Food Sovereignty** and food security and sort out the massive corruption within the food distribution system: Food security doesn't mean giving subsidised food alone but empowering communities to produce their own food and securing land rights which will make them self reliant. In that regard it is also important that farmers have complete control over the seeds and the systems of production and not be made slaves to the big multinationals claiming their IPRs. No company should be allowed exclusive intellectual property rights over seed in any crop.

However, there is also the need for effective implementation of the National Food Security Act, given many state governments have failed to do so. In the name of rooting out corruption linking of ration delivery with the Aadhar and other electronic identification programmes is resulting

in leaving out a big chunk of population, which is often due to systems inefficiency and denies a large number of poor and vulnerable population access to their entitlements.

**9. Rights of tenant farmers, sharecroppers and women farmers** should be upheld. The real cultivators should get full recognition and benefit of all support systems: Tenant farmers, sharecroppers and women farmers are the worst-affected in the agrarian distress in many parts of the country, because they get left out of all government support systems including low-interest bank loans, disaster compensation, crop insurance, subsidies, etc. They are the real cultivators not only working hard but also taking the risks of production – tenant farmers and sharecroppers cultivate more than 30% of the area, and women perform 70% of tasks in agriculture. Their rights should be upheld. There should be a comprehensive system of recording and recognizing the real cultivators including tenant farmers, sharecroppers and women farmers, so that they get the benefit of all government support systems and eligibility for all provisions in case of land acquisition. The Model Tenancy Act by Niti Ayog must be withdrawn.

**10. Rights of the agrarian workers**, unorganised sector workers to be protected and minimum wages and social security measures implemented: Today 93% of the labour force is in the unorganised sector and a majority of them is dependent on agriculture and other related activities. This section is under tremendous attack due to farm crisis and decreasing support from the government. We demand that the allocation to the MGNREGA be increased to ensure 300 days

work and 300 Rs wages daily. In addition, to deal with the farm labour crisis due to high migration recognise agriculture, as a work should be brought within the MGNREGA, that way the workers and farmers both would benefit. In addition, a number of suggestions and guidelines have been issued by the Supreme Court of India to effectively deal with the draught situation in the country. Unfortunately, the implementation by this by the Union and State governments has been extremely poor and tardy.

With the growing precariousness and distress time has come that the Minimum Wages Act be mandatorily applicable to the agricultural labourers as well. In addition, on lines of the Social Security Act for the construction workers should also be implemented for the agrarian workers.

**11. Comprehensive support for shift** from high-input chemical agriculture to low-external-input ecologically sustainable agriculture: One of the biggest causes of the crisis is the model of high-input chemical agriculture promoted in the past few decades – leading to indebtedness, damage to soil fertility, declining productivity, depletion of water, and poisoning of food and water system. While accepting the importance of increasing production and productivity, the emphasis should be on *sustainable* productivity. The policies and support systems should be fully reoriented to ensure a time-bound shift to low-input ecologically sustainable agriculture, using many viable models demonstrated and established across India in the past two decades.

**12. Reverse the injustice done to rainfed agriculture :**

Though 60% of Indian agriculture is rainfed, it is highly neglected compared to irrigated agriculture; consequently much of the distress and farmer suicides is in rainfed areas. We demand a comprehensive mission to revive rainfed agriculture by promoting dryland crops, animal husbandry and fodder, revival of minor irrigation, and targeted support. Providing protective irrigation to the first crop in rainfed areas should be the first priority rather than irrigation for second and third crops.

**13. No privatization of water resources** and services; priority to drinking, domestic use and agriculture: Water should be respected as a natural resource essential to human life and food production, and attempts to privatize water bodies and services, and give control to corporates should be completely stopped. Water for drinking, domestic use and agriculture should receive priority over other uses, with further prioritization for food crops and one-crop protection in dry regions. Landless families should also be given rights over water to ensure more equitable use and to redress the inequity in land ownership.

**14. Resist attempts to dilute labour laws and express solidarity and active support to workers' strike of 2<sup>nd</sup> September 2016:** Workers rights are being curtailed and the Narendra Modi led BJP Government has been tampering with labour laws in the name of “ease of Doing Business”. Against such attacks an unprecedented Strike was witnessed on 2<sup>nd</sup> September, 2015 in which the Bhoomi Adhikar Andolan extended solidarity. The Central Trade Unions also took up some of our demands and spoke

against the Land Acquisition Ordinance. We extended solidarity to the united working class Strike called on 2<sup>nd</sup> September, 2016 and will work actively to make it a success.

**15. Resistance to divisive and fascist politics:** Faced with growing protests and unprecedented unity of people against the policies of the BJP Government at the Centre and States the BJP-RSS and their affiliates are resorting to divisive politics and deliberate communalisation. Rationalists and cultural personalities are being physically attacked and killed, dissent is brutally being suppressed. In the name of protection of the cow, systematic attacks are being launched on Minorities and Dalits. Deliberate communal and casteist violence is being resorted to in different parts of the country. A spontaneous response against such efforts is developing. Bhoomi Adhikar Andolan will resist such divisive efforts and work for building communal harmony and strengthen the unity of toiling masses.

**16. Curb attack on the autonomous functioning of the universities, corporatisation of education, and suppressing of dissent within the universities and enact Rohith Act:** University campuses across the country are in turmoil and there has been a growing attack on the students and attempts are being made to suppress any dissent, free thinking and free flow of exchange of ideas. The corporate agenda of the education and their pandering to the market needs is solely driving the education policy today leading to complete erosion of the values and democratic principles necessary for functioning of a vibrant democracy.

Access to education by all remains a cause of concern. The demand for a common school system has been there for long and is responsible for the continued inequality and the perpetuation of the discrimination within the universities. SC/ST communities face discrimination at every level in the education system from admission, recruitments, promotions or opportunities for growth. The fact

that a brilliant student like Rohith Vemula had to commit suicide due to continued harassment and caste based discrimination indicates towards systemic crisis within the education system today. The demand for Rohith Act by the student community needs support from all the organisations and Bhumi Adhikar Andolan express its solidarity with the movement and demand.

*(To be concluded)*

*(Continued from Page 10)*

- and Central authorities must be removed from AFSPA and criminal procedure code to ensure that trials are independent and fair in civilian courts. In the meanwhile, the families and applicants seeking sanction to prosecute must be informed about the status of their application.
- Make information regarding the proceedings and verdicts conducted in court martial public by making it more accessible through RTI/online.
- Repeal AFSPA in order to ensure compliance with UN Principles for the Prevention of Extra-legal, Arbitrary and Summary Executions and other instruments India is signatory to.
- Definitions of torture and disappearance in Indian law should be consistent with the ones mentioned in UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and International Convention on the Protection of All Persons from Enforced Disappearance
- Become party to international instruments/ conventions against torture and enforced disappearances. More importantly, national laws should be framed accordingly and implemented effectively.
- Right to truth will be upheld by keeping families informed about the procedures and status of applications even when the inquiry is led by the National Human Rights Commission.
- Review the provisions of compensation *ex gratia* to the families of victims where there is no impossible conditionality and threats or intimidation from the authorities. Compensation should be adequate and ensured especially to survivors of sexual violence.

On a concluding note, one can only hope that the State will take notice of this Report and implement its recommendations in the light of the recent unrest and protest happening in Kashmir which reflects the disaffection of the people stemming from years of violations of their human rights.

*–Secular Perspective*



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