

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** IND34577  
**Country:** India  
**Date:** 25 March 2009

Keywords: India – Jammu & Kashmir – Sikhs – Internal relocation – Jammu & Kashmir state elections – Lashkar-e-Toiba – Amarnath Shrine

This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

---

**Questions**

- 1. Are there any legal restrictions which would prevent Sikh residents of Jammu and Kashmir relocating to the large Sikh communities which reside in India's Punjab state?**
- 2. Does it remain the case that Shiromani Akali Dal (SAD) and the Bharatiya Janata Party (BJP) govern Punjab state as coalition partners?**
- 3. What information is available on the level of security in Punjab state for Sikhs who support the BJP?**
- 4. Please provide a brief background on the political situation of resident Muslim, Sikh and Hindu communities in Jammu and Kashmir.**
- 5. Please provide a brief background on Lashkar-e-Tayyaba (LeT) and reports of any recent LeT attacks in Jammu (noting especially any attacks against Sikh communities and/or BJP supporters).**
- 6. Is there any information to indicate that Sikhs face discrimination in terms of employment in Jammu and Kashmir?**
- 7. Please provide a brief background on the National Conference Party (NC) and the Democratic Party (PDP); have either of these parties supported the activities of militant Muslim separatist groups in Jammu and Kashmir?**
- 8. Please provide a brief background on the result of the recent Jammu and Kashmir state elections and the new Jammu and Kashmir state government.**
- 9. Are there any reports of an incident where the state government transferred ownership of a tract of land owned by the Amar Nath Hindu temple to Muslims, with protests by Sikhs and Hindus resulting in the decision being reversed?**

**RESPONSE**

## **1. Are there any legal restrictions which would prevent Sikh residents of Jammu and Kashmir relocating to the large Sikh communities which reside in India's Punjab state?**

Question 5 of *Research Response IND31365*, dated 2 March 2007, provides information on relocation from Jammu & Kashmir (Jammu and Kashmir) to other parts of India. The response includes compiled information from the UK Home Office on the issue of internal relocation for Sikhs. A search of the available sources indicates that the relocation information in the response remains up to date (RRT Country Research 2007, *Research Response IND31365*, 2 March – Attachment 1).

The latest US Department of State human rights report has the following on freedom of movement:

The law provides for freedom of movement, and the government generally respected this in practice; however, in certain border areas the government required special permits.

Security forces often searched and questioned occupants at vehicle checkpoints, mostly in troubled areas in the Kashmir Valley or after major terrorist attacks. The government also completed construction (except in areas of difficult terrain) of a 330-mile security fence along the Line of Control in Jammu and Kashmir, causing difficulties as it cut through some villages and agricultural lands. The government asserted that a decline in insurgent crossings during the year was due in part to the fence.

Under the Passports Act of 1967, the government may deny a passport to any applicant who may engage in activities outside of the country “prejudicial to the sovereignty and integrity of the nation.” The government prohibited foreign travel by some government critics, especially those advocating Sikh independence, and members of the separatist movement in Jammu and Kashmir.

Unlike in previous years, there were no reports of the government using the issuance of passports or travel documents to restrict travel of separatist leaders in Jammu and Kashmir. However, citizens from Jammu and Kashmir continued to face extended delays, often up to two years, before the Ministry of External Affairs would issue or renew their passports. Government officials demanded bribes for applicants from Jammu and Kashmir who required special clearances. Applicants born in Jammu and Kashmir—even the children of serving military officers born during their parents’ deployment in the state—were subjected to additional scrutiny, requests for bribes, and police clearances prior to passport issuance (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – India*, 25 February, Section 2.d – Attachment 2).

## **2. Does it remain the case that Shiromani Akali Dal (SAD) and the Bharatiya Janata Party (BJP) govern Punjab state as coalition partners?**

Shiromani Akali Dal (SAD) and the Bharatiya Janata Party (BJP) govern Punjab as coalition partners, after respectively winning 48 and 19 of the 117 assembly seats in the last state elections (February 2007) (‘Badal sworn in as Punjab CM’ 2007, Rediff.com website, <http://in.rediff.com/news/2007/mar/02punpoll.htm> – Accessed 9 July 2007 – Attachment 3; Anand, Ashwani K. 2007, ‘Badal prepares for fourth term as CM’, Rediff.com website, 28 February <http://in.rediff.com/news/2007/feb/28punpoll6.htm> – Accessed 9 July 2007 – Attachment 4).

Question 1 of *Research Response IND34470*, dated 2 March 2009, provides some further information on the current political situation in Punjab (RRT Research & Information 2009, *Research Response IND34470*, 2 March – Attachment 5).

### **3. What information is available on the level of security in Punjab state for Sikhs who support the BJP?**

Sikhs are a majority in Punjab (US Department of State 2008, *International Religious Freedom Report for 2008 – India*, 19 September – Attachment 6). As noted above, the BJP is part of the coalition government in Punjab. Some reports were found of clashes between supporters of the BJP and SAD during panchayat polls in 2008. A June 2008 article reports on a clash in Tarn Taran and states: “The clash between the legislators brought differences between the partners to the fore with the BJP threatening to explore all options, including quitting the Punjab coalition government, if the Akali Dal supporters continued to assault its leaders and workers” (‘Four injured as Akali, BJP supporters’ clash’ 2008, *Thaindian News*, 19 June [http://www.thaindian.com/newsportal/politics/four-injured-as-akali-bjp-supporters-clash\\_10062146.html](http://www.thaindian.com/newsportal/politics/four-injured-as-akali-bjp-supporters-clash_10062146.html) – Accessed 16 March 2009 – Attachment 7).

Also see:

- ‘BJP workers in Punjab protest against Akali Dal’ 2008, *Thaindian News*, 13 May [http://www.thaindian.com/newsportal/politics/bjp-workers-in-punjab-protest-against-akali-dal\\_10048211.html](http://www.thaindian.com/newsportal/politics/bjp-workers-in-punjab-protest-against-akali-dal_10048211.html) – Accessed 16 March 2009 – Attachment 8;
- Pandher, S. 2008, ‘Akalis, BJP clash during polls; two killed’, *The Hindu*, 13 May <http://www.hindu.com/2008/05/13/stories/2008051357000500.htm> – Accessed 16 March 2009 – Attachment 9.

No further information was found on the level of security in Punjab for Sikhs who support the BJP. General collated information on Sikhs in Punjab, including human rights issues, can be found in the UK Home Office country information report on India (UK Home Office 2008, *Country of Origin Information Report: India*, 31 January, Section 19 – Attachment 10).

### **4. Please provide a brief background on the political situation of resident Muslim, Sikh and Hindu communities in Jammu and Kashmir.**

Background to the conflict and the situation in Jammu & Kashmir is given in a 2006 report by Minority Rights Group International (Chadda, Maya 2006, ‘Minority rights and conflict prevention: Case study of conflicts in Indian Jammu and Kashmir, Punjab and Nagaland’, Minority Rights Group International website, August – Attachment 11).

A 2006 Human Rights Watch (HRW) report also has a brief section on the political history of the state (Human Rights Watch 2006, “*Everyone lives in fear*” – *Patterns of impunity in Jammu and Kashmir*, September, pp. 18-26 – Attachment 12).

A February 2009 article found on the ReliefWeb website states:

Kashmir is India's only Muslim-majority state. Hindus, Sikhs and Buddhists accept New Delhi's rule, but there remains a vocal demand for independence in the Muslim-dominated Kashmir valley.

There is evidence that a majority of Kashmiri Muslims favour independence. Others would be happy under Pakistan rule.

But India points to a roughly 60 percent turnout at a recent state election, despite a separatist boycott, as evidence that most Kashmiris accept New Delhi's rule (Williams, M. 2009, 'Q+A: Kashmir: An obstacle to South Asia stability', ReliefWeb, source: *Reuters Foundation*, 10 February <http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-7P5EWY?OpenDocument&rc=3&cc=ind> – Accessed 16 March 2009 – Attachment 13).

There continue to be reports of Muslim protests in Kashmir, often resulting in clashes with police forces. On 6 March 2009, a *Reuters* article reports that one person was killed and 40 injured during clashes in Srinagar between police and protesters at a Muslim demonstration against Indian forces. Although there were significant protests last year, the article does note that "overall violence involving Indian troops and separatist guerrillas declined significantly across Kashmir since India and Pakistan began a slow-moving peace process in 2004" (Mushtaq, S. 2009, 'One killed, 40 hurt in Indian Kashmir clash', ReliefWeb, source: *Reuters Foundation*, 6 March <http://www.reliefweb.int/rw/rwb.nsf/db900sid/SODA-7PVMEN?OpenDocument&rc=3&cc=ind> – Accessed 16 March 2009 – Attachment 14).

On 6 January 2009, a *Reuters* article reports that at least 80 people were wounded when Indian police broke up a procession marking Ahsura by thousands of Shi'ite Muslims in Srinagar. The article states that "[p]ublic gatherings, including religious processions as well as marches by separatists, have not been allowed in Kashmir since a bloody rebellion against Indian rule broke out in 1989" (Mushtaq, S. 2009, 'Indian police stop Kashmir procession, 80 hurt', ReliefWeb, *Reuters Foundation*, 6 January <http://www.reliefweb.int/rw/rwb.nsf/db900sid/FBUO-7N2JA9?OpenDocument&rc=3&cc=ind> – Accessed 16 March 2009 – Attachment 15).

A July 2008 *Hindu* article reports on "the ugly communal war that enveloped Jammu and Kashmir in the wake of the Amarnath shrine board riots" (for more information on the Amarnath shrine protests, see Question 9). The article looks at the "politics of the protests", with both Hindutva and Islamist groups playing a prominent role (Swami, P. 2008, 'Deepening divide in Jammu and Kashmir', *The Hindu*, 18 July <http://www.hindu.com/2008/07/18/stories/2008071854981000.htm> – Accessed 16 March 2009 – Attachment 16).

In August 2008, Amnesty reported that there had been violent clashes in Kishtwar (Doda district) between Hindus and Muslims. "[A]t least two people were killed as a result of alleged police firing. It is one of several towns in the state currently under curfew in the wake of protests that have left at least 28 people dead". The report states that "[s]ince the state government announced a proposal to transfer forest land from the state to the Amarnath Shrine Board on 26 May, in order to accommodate the annual Hindu pilgrimage at the Shrine, there have been a series of protests and counter protests that have grown increasingly violent", and gives the following background:

The government of Jammu and Kashmir reversed the proposed transfer of the disputed forest land on 1 July after ten days of protests in Kashmir. The reversal prompted counter protests during which demonstrators in the Jammu region obstructed traffic on the Jammu-Pathankot

National Highway, the main land route to the Kashmir region. Members of the Hindu nationalist groups -- including the Bharatiya Janata Party as well as the Vishwa Hindu Parishad (World Hindu Council) – have been accused of having initiated an economic blockade by stopping traffic in both directions on the highway. The traffic stoppage reportedly led to shortages of essential food in the Kashmir valley and damaged perishable goods shipped out of the valley. Police opened fire on those attempting to block the highway on 6 August, leading to one death in Kathua district.

On 10 August, the central government's Home Minister, Shivraj Patil, announced that the highway was now open, under the control of security forces. Despite this assurance and a promise of compensation to those whose fresh produce had perished, the APHC called for a march of fruit growers towards Muzaffarabad (capital of the Pakistani-controlled region of Kashmir, known as Azad Kashmir). Senior All Party Hurriyat Conference leader – Sheikh Abdul Aziz – was one of five people killed in the subsequent police firing. News of his death triggered further violence and another 15 deaths have allegedly taken place as a result of police firing in various parts of Kashmir on 12 August.

The region will soon take part in state as well as national elections ('India: Repeal shoot on sight orders' 2008, Amnesty International website, 13 August <http://www.amnesty.org/en/for-media/press-releases/india-repeal-shoot-sight-orders-20080813> – Accessed 16 March 2009 – Attachment 17).

**5. Please provide a brief background on Lashkar-e-Tayyaba (LeT) and reports of any recent LeT attacks in Jammu (noting especially any attacks against Sikh communities and/or BJP supporters).**

**Background**

*Jane's World Insurgency and Terrorism* released updated information on Lashkar-e-Tayyiba (LeT) on 10 March 2009. *Jane's* gives background on the group and includes a chronological list of major events involving the LeT. *Jane's* states that the LeT is one of the most active militant groups in South Asia, and:

The LeT's traditional focus was on Kashmir, where it continues to pursue an active campaign of bomb attacks and gun battles. Unofficial sources have also credited the group with initiating suicide bombing techniques into the region. It attacks both the Indian security forces and conducts large scale attacks on non-Muslims in the disputed territory ('Lashkar-e-Tayyiba' 2009, *Jane's World Insurgency and Terrorism*, updated 10 March – Attachment 18).

Question 2 of *Research Response IND31365*, dated 2 March 2007, provides sourced background information on the LeT and looks at whether Sikhs in Jammu and Kashmir have been targeted by militant groups (RRT Country Research 2007, *Research Response IND31365*, 2 March – Attachment 1).

**Attacks**

The South Asia Terrorism Portal (SATP) website has a list of incidents involving LeT, from 1996 to the latest update on 9 March 2009. Recent large-scale incidents which have been attributed to LeT were the November 2008 attacks in Mumbai and the March 2009 attack on the Sri Lankan cricket team in Lahore. According to SATP, LeT denies involvement in the both attacks ('Incidents involving Lashkar-e-Toiba (1996-2009)' 2009, South Asia Terrorism Portal website, last updated 9 March

[http://www.satp.org/satporgtp/countries/india/states/jandk/terrorist\\_outfits/lashkar\\_e\\_toiba\\_lt](http://www.satp.org/satporgtp/countries/india/states/jandk/terrorist_outfits/lashkar_e_toiba_lt)

[.htm](#) – Accessed 20 March 2009 – Attachment 19; see also: ‘Lashkar-e-Taiba group denies terror plot’ 2008, *China National News*, 15 December <http://story.chinanationalnews.com/index.php/ct/9/cid/9366300fc9319e9b/id/442234/cs/1/> – Accessed 17 March 2009 – Attachment 20).

SATP lists the following incidents involving identified Sikhs:

January 23 [2009]: Police detained two suspected LeT operatives, including a Sikh youth, from the Handwara area of Kupwara District and recovered two hand grenades from their possession. Police detained Riaz Ahmad, a resident of Chogal in Handwara, following specific information that he was working with the LeT and was in possession of some arms, ammunition and explosives. Official sources said Riaz revealed, during interrogation, that he had handed over some hand grenades to a Sikh youth, Popinder Singh, who lives in his locality. Singh was later detained for questioning.

... May 2 [2007]: Intelligence agencies have said the Pakistan-based LeT and the ISI, Pakistan’s external intelligence agency, are trying to revive militancy in the Indian State of Punjab through sympathisers of the Sikh militant groups like the BKI, the ISYF, KZF and KCF. Statesman reports that information has been sent to the Punjab Police about the plans to target towns of Jalandhar, Ludhiana and Pathankot region. Instructions have also been given to monitor the activities of sympathisers of BKI-Hawara, ISYF-Rode, KZF- Neeta and KCF, who are sending funds through hawala (illegal money transfer) to “re-launch their separatist movement”

March 20 [2000]: LeT terrorists along with an HM terrorist massacre 35 Sikhs at Chattisinghpura, Anantnag. The massacre is carried out on the eve of then US President, Bill Clinton’s official visit to India (‘Incidents involving Lashkar-e-Toiba (1996-2009)’ 2009, South Asia Terrorism Portal website, last updated 9 March [http://www.satp.org/satporgtp/countries/india/states/jandk/terrorist\\_outfits/lashkar\\_e\\_t\\_oiba\\_it.htm](http://www.satp.org/satporgtp/countries/india/states/jandk/terrorist_outfits/lashkar_e_t_oiba_it.htm) – Accessed 20 March 2009 – Attachment 19).

SATP also has yearly timelines of incidents in the state, including those involving LeT. Two incidents in which BJP activists were targeted were found in the SATP timelines, although it is not reported who the perpetrators were. On 16 July 2007:

An activist of the BJP and his eight year old daughter were killed and a VDC member’s wife was wounded when terrorists attacked their house at village Dallas under the jurisdiction of Doda police station in Doda district. Official sources said two terrorists attacked the house of Dev Raj, a BJP activist and his brother Mukesh Kumar, a VDC member, who were living jointly at Dallas (‘Jammu and Kashmir Timeline – 2007’ 2007, South Asia Terrorism Portal website, last updated 30 December <http://satp.org/satporgtp/countries/india/states/jandk/timeline/year2007.htm> – Accessed 17 March 2009 – Attachment 21).

On 13 May 2006:

Two BJP activists are killed and 41 others sustain injuries in a grenade attack on a procession being taken out jointly by the BJP workers and the people, who had shifted from Kulhand after the killing of 19 Hindus on May 1, at New Bus Stand in Doda town (‘Jammu and Kashmir Timeline – 2006’ 2006, South Asia Terrorism Portal website, last updated 30 December <http://satp.org/satporgtp/countries/india/states/jandk/timeline/year2006.htm> – Accessed 17 March 2009 – Attachment 22).

Background information on the LeT does indicate that the group targets non-Muslim minorities in Jammu and Kashmir, especially Hindus. *Jane's* also mentions an attempted attack on RSS headquarters in Maharashtra in 2006. According to the UK Home Office, the RSS is a "Hindu supremacist umbrella organisation", with links to the BJP ('Lashkar-e-Tayyiba' 2009, *Jane's World Insurgency and Terrorism*, updated 10 March – Attachment 18; UK Home Office 2008, *Country of Origin Information Report: India*, 31 January, Annexes – Attachment 10).

In relation to attacks on political parties, the 2006 HRW report details numerous attacks on political workers of most parties by militants, including LeT. Although the BJP is not mentioned specifically, the report notes that LeT targeted political party workers involved in electoral politics:

During the May 2004 Indian parliamentary election campaign, several groups, many of them Pakistan-based ones like Jaish-e-Mohammad and Lashkar-e-Toiba, issued warnings, and cadres on the ground were instructed to intimidate political workers and target campaign rallies and meetings. An anonymous handwritten poster stuck on mosque walls, for instance, carried a warning from the Jaish-e-Mohammad, telling People's Democratic Party workers "not to participate in the elections, or else face consequences." Once again, there were a number of attacks and killings. Mukhtar Ahmad Bhat of Janata Dal (U) was killed on March 18, 2004, and two days later Communist Party of India (Marxist) leader Mohammad Yusuf Tarigami came under attack, as did PDP leader Ghulam Hassan. Several members of the National Conference have also been killed. In Malas village, Udhampur district, a village leader named Misruddin and another man, Haji Amkala, were punished for helping the government prepare for the elections: their ears were chopped off " (Human Rights Watch 2006, "Everyone lives in fear" – *Patterns of impunity in Jammu and Kashmir*, September, p. 129 – Attachment 12).

A recent OneWorld article found on ReliefWeb reports that violence in Kashmir dropped to an all time low in 2008, and "militancy-related incidents also dropped by 86% during the 2008 assembly elections compared to the 2002 polls". The article also reports that various militant groups, including LeT, are reassessing their policy in Kashmir:

Meanwhile, in another related and significant development, various militant groups based in Pakistan and active in Kashmir are reportedly reassessing their policy in the wake of Mumbai terrorist attacks.

"As a result of mounting global pressure on Pakistan following the Mumbai attacks and the subsequent action against various Jihadi groups in the country, senior leaders of the outfits (like United Jihad Council and Lashker-e-Toiba) are now pondering a new, friendly policy on Kashmir," influential Pakistani daily *The News* quoted a 'knowledgeable' source as saying on Wednesday.

Earlier on January 17, a spokesman of the Lashkar-e-Toiba, which has been blamed for the Mumbai attacks, said in a statement in Srinagar that his group was willing to end its violent campaign in return for international intervention on the Kashmir issue.

"If the world listens to our cries and plays its role in sorting out the Kashmir issue, there is no point in continuing fighting," said Dr Abdullah Ghaznavi, a purported LeT spokesman.

He said their struggle was confined to Kashmir alone and had no relation or association with jihadi groups (read al-Qaeda) operating at the international level.



“We have no global agenda. We just want freedom of Kashmir, and if it comes peacefully, we will welcome it. We don’t view the armed struggle as the only way to achieve our goal,” Ghaznavi said.

“If the world listens to our cries and plays its role in resolving the Kashmir issue, there would be no reason for us to fight.”

The LeT statement came days after British Foreign Secretary David Miliband said the root cause of terrorist attacks such as that in Mumbai was the Kashmir dispute (Motta, S. 2009, ‘Violence in Kashmir drops to all time low in 2008’, ReliefWeb, source: OneWorld International Foundation, 27 January <http://www.reliefweb.int/rw/rwb.nsf/db900sid/RMOI-7NPVBV?OpenDocument&rc=3&cc=ind> – Accessed 17 March 2009 – Attachment 24).

An August 2008 article found on the Kashmir Live website reports concerns that the Sikh community in Kishtwar “may be under threat” from militants:

The Centre is deeply worried about the security of the Hindu community in the Valley after intelligence reports of militant outfits planning to target them to create communal unrest.

Based on these reports, National Security Advisor M K Narayanan met members of the Hindu Welfare Society during his recent visit to Srinagar and asked the state to intensify security in areas inhabited by the Hindus. The matter was also discussed in a meeting of the Cabinet Committee on Security, which met on Wednesday to take stock of the situation in the state.

The concern grew after a detailed report from the Research and Analysis Wing (RAW) was submitted to the PMO recently. The report, based largely on communication intercepts, stated that Mushtaq Ahmed Zargar, one of the terrorists released after the IC-814 hijack and now heading an outfit called Al Umar Mujahideen, has issued instructions to target Hindus in the Valley, government buildings and public property.

Similarly, the agency has shared specific inputs about the Hizbul Mujahideen leadership issuing instructions to target Hindus in Kishtwar. The RAW has conveyed that the Sikh community too may be under threat from Hizbul cadres. It has also received information that Lashkar-e-Toiba has strengthened its presence outside the Valley in Rajouri and has apparently carried out reconnaissance operations to attack local Hindu religious sites. While law-enforcement authorities are corroborating this information on the ground, the Centre has made it clear that there should be no let-up in increasing security for minority groups.

While the Centre has decided to come down hard on extremist elements in the Valley, there is also a view here that the government must act with equal resolve when it comes to Hindu extremist elements in Jammu so that there is little chance of a communal fallout in the state (Samanta, P. 2008, ‘Threat to Hindus in Valley: RAW’, Kashmirlive.com, 28 August <http://www.kashmirlive.com/story/Threat-to-Hindus-in-Valley--RAW/354210.html> – Accessed 17 March 2009 – Attachment 25).

Reports of recent attacks on Sikhs were not found in the sources consulted. According to the available information, there was a spate of attacks on Sikhs in the Kashmir valley in 2000 and 2001. The worst of these was the killing of 35 Sikh men in the village of Chatti Singhpora in south Kashmir. These attacks led, according to the US Department of State, to “an exodus of many from the Sikh community, particularly of the young, during 2001” (US Department of State 2003, *International Religious Freedom Report for 2003 – India*, 18 December, Section III – Attachment 23). For more detailed information, see Question 2 of RRT Country Research 2007, *Research Response IND31365*, 2 March – Attachment 1.



LeT has denied that it was involved in the Chatti Singhpora massacre ('Lashkar-e-Taiba group denies terror plot' 2008, *China National News*, 15 December <http://story.chinanationalnews.com/index.php/ct/9/cid/9366300fc9319e9b/id/442234/cs/1/> – Accessed 17 March 2009 – Attachment 20).

A recent article describes the attacks and states that the Sikh community in Kashmir is demanding that the case be reopened. :

The Sikh community in Kashmir is demanding reopening the case of Chattisinghpora massacre in which 35 member of the community were killed in cold blood on March 20, 2000.

Sardar J J Azad, a noted intellectual among the Sikh community in Kashmir said his community was watching if the ruling National Conference would fulfill its promise of indicting engineers of Chattisinghpora as well as Pathribal killings.

Mushtaq Ahmed Dar, the CBI special counsel into the case lamented the delay in justice system.

He said the government prosecution is pending before the Chief Judicial Magistrate's court over the past eight years without any progress. "The government should get the stay by the forces vacated from the Supreme Court and deliver justice to restore faith of the executive and the judiciary," Dar said.

Initiating a probe and bringing to justice the perpetrators of Pathribal is going to be a litmus test for NC, said human rights activist Khurram Parvez.

He said NC which was in power at the time of killing of five unarmed locals by 7th Bn of RR had initially accepted the troopers claim that the militants behind the incident of

Chattisinghpora had been eliminated. "However after public pressure they accepted the fact that the slain persons branded as foreign militants were actually unarmed civilians."

Parvez said when pro-India politicians are in opposition they cry against human rights violations but when in government they compromise over such issues. "If the new regime is really serious about incidents of human rights violation by state forces it has to speed up the probe in to the fake encounter killing of Pathribal."

### **The massacre**

On the evening of 20 March 2000, 15 to 17 unidentified gunmen dressed in Indian army fatigues entered the village of Chattisinghpora, located in Islamabad district. They ordered all of the Sikh men and boys to assemble at the village Gurdwara and systematically shot and killed 34 of them. Many others were injured in the attack, and least one man died later of his injuries. The sole survivor of the massacre was Nanak Singh Aulakh, who recounted the events to reporters. A unit of Rashtriya Rifles stationed nearby failed to intervene during the attack. The attackers wore military uniforms, and were lead by a man they addressed as 'Commanding Officer.' At they withdrew, they allegedly shouted Hindu slogans and left behind bottles of liquor. This was the first time in the Kashmir conflict that Sikhs had ever been targeted. In the aftermath of the attacks, the then Indian Home Minister L K Advani offered the state's Sikh population additional protective measures. However the local Sikh leadership reportedly rejected the plan saying that the Muslim majority had not been hostile to them before and that no protection was needed. The massacre, which took place on the eve of US President Bill Clinton's visit to the subcontinent was widely condemned by both the Indian and Pakistani governments as well as leaders of the Kashmiri separatist movement. Although the Government of India and the state government of Jammu and Kashmir did not launch an early official investigation into the massacre, they immediately accused Lashkar e Tayyiba and Hizbul Mujahideen. However the Hurriyat Conference accused the Indian government of carrying out the massacre to discredit Kashmiri independence movement while Syed Salahuddin, head of Hizbul Mujahideen said: "Mujahideen have nothing against the Sikh community which sympathizes with our struggle. We assure them that there never was

and there will never be any danger to Sikhs from Kashmiri freedom fighters.” Human rights activists and legal experts too are watching as to how NC will abide by its election pledge of bringing to justice the culprits behind the killing in a fake encounter at Pathribal of five innocent civilians by Army which followed the Chattisinghpora massacre.

### **The Pathribal killings**

Five days after the events at Chattisinghpora, on 25 March 2000, troops killed five men in Pathribal village of Islamabad district claiming that the victims were “foreign militants” responsible for the attacks. Official reports claimed that troops had, after a gunfight, blown up the hut where the men were hiding, and had retrieved five bodies that had been charred beyond recognition. The bodies were buried separately without any postmortem examination. Local observers and political activists doubted the government’s official reports however, pointing out that if there had been a gunfight, some of troops would have sustained injuries – but none were injured. Over the following days, locals began to protest, claiming that the slain men were ordinary civilians who had been killed in a fake encounter not “foreign militants.”

According to them, up to 17 men had been detained by the police and “disappeared” between March 21 and 24. On March 30, local authorities in Islamabad relented to growing public pressure and agreed to exhume the bodies and conduct an investigation into the deaths.

### **The Barakpora killings**

With no action being taken with regard to the promised investigation into the Pathribal deaths, the local population grew increasingly restless. On 3 April 2000, an estimated 3000 to 4000 protesters marched to the city of Islamabad, where they intended to present a memorandum to the Deputy Commissioner demanding exhumation of bodies. When they reached the town of Barakpora, 3 km from Islamabad, some protesters began throwing stones at an camp of paramilitary troops. Members of the CRPF responded by opening fire on the protesters killing seven and injuring at least 15 more of whom one or two later died of injuries.

### **Tampered DNA samples**

On 5 April 2000, Chief Minister Farooq Abdullah ordered exhumation of bodies from Pathribal killings, which began the next day. DNA samples were collected from the five bodies as well as 15 relatives of the missing young men, and were submitted to forensic laboratories in Kolkata and Hyderabad. However, in March 2002 it was discovered that the DNA samples allegedly taken from the bodies of the Pathribal victims (all of whom were men) had been tampered with, when, according to a report from the Times of India, lab workers found that samples had in fact been collected from females. Fresh samples were collected in April 2002, which, upon testing, conclusively proved that the victims were innocent local civilians, and not foreign militants as government had been claiming for the past two years (Paul, R. 2009, ‘Chattisinghpora Massacre’, *Daily Rising Kashmir*, 19 March [http://www.risingkashmir.com/index.php?option=com\\_content&task=view&id=11396&Itemid=1](http://www.risingkashmir.com/index.php?option=com_content&task=view&id=11396&Itemid=1) – Accessed 20 March 2009 – Attachment 26).

Incidents and arrests in Jammu and Kashmir involving alleged LeT militants continue to be reported in the media (for examples, see: Ahmad, M. 2009, ‘Five LeT militants killed in Jammu and Kashmir’, *Rediff*, 14 March <http://www.rediff.com/news/2009/mar/14jammu-militants-holed-up-in-mosque-operation-on.htm> – Accessed 20 March 2009 – Attachment 27; ‘SPO shot dead by militants in Doda district’ 2009, *Zee News*, 2 March <http://www.zeenews.com/states/2009-03-02/511836news.html> – Accessed 17 March 2009 – Attachment 28).

In January 2009, a *Jamestown Terrorism Monitor* article states that India’s Sikh militants are forming ties with LeT (Khan, M. 2009, ‘India’s Sikh Militants Forming Ties with Lashkar-e-

Taiba and Pakistani Intelligence’, *Jamestown Terrorism Monitor*, vol 7, issue 1, 9 January – Attachment 29).

## **6. Is there any information to indicate that Sikhs face discrimination in terms of employment in Jammu and Kashmir?**

The available information indicates that Sikhs in Jammu and Kashmir experience difficulties in regards to employment, education and government representation.

An article dated 6 February 2006 reports that representatives of Sikh organisations were requesting measures that could fix some quota for Sikhs in government jobs along with allowing representation of Sikhs in the state legislature and in the state Cabinet. An article dated 6 February 2001, states that the “Sikh community in Jammu and Kashmir was facing immense problems of employment, education and feeling increasingly alienated” (‘Sikhs seek say in Indo-Pak talks’ 2006, *Kashmir Today*, 6 February <http://www.kashmirtoday.com/> – Accessed 27 February 2007 – Attachment 30; ‘Give security to Sikhs: Talwandi’ 2001, *The Tribune*, 7 February <http://www.tribuneindia.com/2001/20010207/main1.htm> – Accessed 19 February 2007 – Attachment 31).

A 2002 article details complaints made by Sikh groups, including the All India Sikh Student Federation (AISSF), that the State Government was discriminating against Sikhs. The article states:

the participants said that Sikh youths are being discriminated against with regard to providing Government jobs, selection in professional colleges and recruitment in departments particularly in State Police.

It was stated in the meeting that whenever the Government issued selection list of candidates, proper share was not given to Sikh community as a result of which youth of Sikh community are falling prey at the hands of anti-social elements.

The meeting passed resolutions demanding immediate completion of CBI inquiry into Chattisinghpura massacre, bringing an end to harassment of Sikh youth by State Police, [and] release of detained Sikhs (‘Discrimination with Sikh community alleged’ 2002, *Daily Excelsior*, 1 August <http://www.dailyexcelsior.com/02aug01/state.htm#5> – Accessed 23 February 2007 – Attachment 32).

A 2005 article states that “Sikh representatives said the 70,000 odd members of the community still staying in the Valley were not being given employment or education facilities” (‘Minorities will be taken into confidence’ 2005, *Express India*, 21 July [http://www.expressindia.com/news/kashmir/full\\_story.php?content\\_id=51198&type=ei](http://www.expressindia.com/news/kashmir/full_story.php?content_id=51198&type=ei) – Accessed 17 March 2009 – Attachment 33).

A January 2009 article also reports on demands by a Sikh organisation in Jammu and Kashmir for minority status for the community. There are claims that “they have been weakened economically, politically and socially due to indifferent attitude of the Centre and the state government”:

A Sikh organisation in Jammu and Kashmir today demanded minority status for the community, claiming that they have been weakened economically, politically and socially due to indifferent attitude of the Centre and the state government.

“We demand minority status for the Sikhs as Jammu and Kashmir remained the only state in the country which had not given minority status to them even after the enactment of an Act which provided minority status to the community,” Coordinator of the All Parties Sikh Co-ordination Committee (APSCC) Jagmohan Singh Raina said here. “Both State and Centre governments are responsible for weakening the Sikhs economically, politically and socially in the state,” he alleged.

He said this had deprived the Sikh community, comprising 5.38 per cent of the state’s population, of the benefits as no state or Central scheme could be extended in the absence of the minority status.

The National Commission for Minority Act of 1992 declared the Sikh community as minority, but this had not been extended to Jammu and Kashmir, unlike other states in the country, he said (‘Sikh organisation seeks minority status for community in Jammu and Kashmir’ 2009, *Hindustan Times*, 11 January

<http://www.hindustantimes.com/StoryPage/StoryPage.aspx?sectionName=India&id=84e33bc3-dcde-49d7-8e7d-0c0f60cd99f2&&Headline=Sikh+organisation+seeks+minority+status+for+community+in+J%26amp%3BK> – Accessed 17 March 2009 – Attachment 34).

Generally, unemployment is reportedly a problem in Jammu and Kashmir. A *Frontline* article discussing the recent election results and the challenges facing the new Chief Minister states:

Unemployment is a major issue he will have to deal with. In a State that depends on government jobs and has 40 per cent more workforce than required, Omar may have to create more jobs. The State’s annual salary bill has crossed Rs.3,800 crore, and if the N.C. government decides to implement the Sixth Pay Commission recommendations (the Chief Minister is already under tremendous pressure to do so), the State may witness a financial crisis. The new government is also under pressure to increase the retirement age to 60 from 58. This has the potential of blocking employment opportunities for more than three lakh educated youth (Bukhari, S. 2009, ‘Hope in the air’, *Frontline*, 17-30 January, vol.26: no.2 <http://www.hinduonnet.com/fline/fl2602/stories/20090130260203500.htm> – Accessed 12 February 2009 – Attachment 35).

**7. Please provide a brief background on the National Conference Party (NC) and the Democratic Party (PDP); have either of these parties supported the activities of militant Muslim separatist groups in Jammu and Kashmir?**

Brief background information is included below on the Jammu and Kashmir National Conference (JKNC) (also known as National Conference Party (NC)) and the People’s Democratic Party (PDP). Information was found to indicate that NC and PDP leaders and activists have been targeted by militant separatist groups in Jammu and Kashmir. Information was also found reporting allegations that some NC and PDP politicians have been linked to militant separatist groups, including LeT.

The background information below is from sources prior to the recent state elections in Jammu. A coalition of PDP and Congress were in government in Jammu and Kashmir from 2002 until 2008. The results of the elections are summarized in Question 8.

The UK Home Office country information report on India includes the following brief information on the NC:

## **Jammu and Kashmir National Conference (JKNC)**

Headquarters in Srinagar. Formerly All Jammu and Kashmir National Conference. Founded 1931, renamed 1939, reactivated 1975. A State-based party campaigning for internal autonomy and responsible self-government. Accepts accession to the Indian Union. President: Omar Abdullah. (1m members) (UK Home Office 2008, *Country of Origin Information Report: India*, 31 January – Attachment 10).

*The Political Handbook of the World* has the following information on NC:

**National Conference (NC).** The dominant party in Jammu and Kashmir following independence, the NC continued to be led by Sheikh Mohammed ABDULLAH, who was primarily responsible for the 1947 decision to join India, until his death in 1982. He was succeeded as party leader and chief minister by his son Farooq Abdullah, who was, however, dismissed from the latter post in July 1984 by Mrs. Gandhi, following a series of violent clashes with Congress (I) supporters and the loss of his majority in the state assembly. He returned as chief minister in March 1987, following balloting at which the NC, in coalition with congress (I), won 62 or 76 assembly seats.

The NC held three of Jammu and Kashmir's six *Lok Sabha* seats prior to the 1991 election (when polling was canceled in the state) and opted in the 1996 national balloting to support Congress candidates. In return, Congress backed NC in a state election in September 1996 (the first since 1987), assisting the party to a decisive overall majority and enabling Abdullah to resume the post of chief minister. The conference won three seats in the 1998 balloting as a United Front party but abstained on the March 28 confidence vote for the BJP-led government. At the September-October 1999 election the party picked up an additional seat, after which it joined the NDA government.

In June 2002 Farooq Abdullah turned over the presidency of the party to his son, Omar. At the following September-October state election the NC finished with a plurality of seats but lost control of the government to a coalition of the Congress and the People's democratic Party (PDP)...In July 2003 the NC left the NDA, and at the *Lok Sabha* election of 2004 it won two seats.

*Leaders:* Omar ABDULLAH (President), Farooq ABDULLAH (Former Chief Minister of Jammu and Kashmir) (Banks, A.S., Muller, T.C. & Overstreet, W.R. 2007, 'India' in *Political Handbook of the World: 2007*, CQ Press, Washington, p.542 – Attachment 36).

The Maps of India website has the following information on the PDP:

One of the several State Parties of Jammu and Kashmir that are active in the state political scenario, the Jammu and Kashmir People's Democratic Party holds a prominent part. The party was founded in the year 1999. Ex Union Home Minister of India – Mr. Mufti Mohammad Sayeed was among the leading founder members of the Jammu and Kashmir People's Democratic Party.

The high point of the party came in [2002], when it won the State Assembly Elections and formed the state government. Mufti Mohammad Sayeed became the chief minister of the state and remained in the chair till 2005. It has managed to send one member each in both – the upper and lower houses of the Parliament. When it won the state elections, the Jammu and Kashmir People's Democratic Party was a part of the coalition of United Progressive Alliance. The present president of the Jammu and Kashmir People's Democratic Party or PDP is Mrs. Mehbooba Mufti ('Jammu and Kashmir People's Democratic Party' (undated), Maps of India website <http://www.mapsofindia.com/jammu-kashmir/government-politics/peoples-dempratic-party.html> – Accessed 20 March 2009 – Attachment 37).



According to a *Frontline* article on the recent elections, “the PDP projected itself as a party with an agenda of “soft separatism”. The article also states that:

The election results brought to the fore the deep communal divide in the State. The PDP’s invoking of the Muslim sentiment seems to have worked to an extent, since notwithstanding the anti-incumbency sentiment against its Ministers and MLAs and the Amarnath land order passed by its Forest Minister Qazi Afzal, the PDP increased its tally of seats to 21 from 16 and also recorded a quantum jump in its vote share (Bukhari, S. 2009, ‘Hope in the air’, *Frontline*, 17-30 January, vol.26: no.2 <http://www.hinduonnet.com/fline/fl2602/stories/20090130260203500.htm> – Accessed 12 February 2009 – Attachment 35).

A recent article reports allegations from former Governor of Jammu and Kashmir, S. K. Sinha, that the “[f]ormer Jammu and Kashmir Chief Minister Mufti Mohammad Sayeed was acting as the ‘spokesman’ of militants during his tenure and several of his cabinet colleagues were hobnobbing with separatists”. The article states:

Former Jammu and Kashmir Chief Minister Mufti Mohammad Sayeed was acting as the “spokesman” of militants during his tenure and several of his cabinet colleagues were hobnobbing with separatists, alleges former Governor of Jammu and Kashmir S K Sinha.

“When I was the Governor of the state, virtually there was a cold war between Raj Bhavan and the state government. The Chief Minister was acting like a spokesman of militants,” Lt General (retd) Sinha said at a function for release of his book ‘Guarding India’s Integrity’ by BJP leader L K Advani.

Recalling his days in Kashmir Raj Bhavan, Sinha said there was lack of synergy between him and Sayeed and both of them were pursuing completely opposite policies.

The former Governor said Sayeed wanted to pursue “healing touch policy” which meant pension and compensation to the family members of terrorists killed by security forces and not for the victims of the terrorists violence.

The PDP leader wanted “joint control of Kashmir under India and Pakistan, dual currencies of India and Pakistan to run in Kashmir and complete demilitarisation of the state”.

“In days we cannot see eye-to-eye. He had a communal bias and he was totally opposed to the welfare of the Kashmiri Pandits who have been living in pathetic conditions in relief camps,” he said.

Sinha also alleged that several PDP leaders were hand-in-gloves with the militants and cited the example of former Minister Abdul Aziz Zargar saying his ancestral house was used by Lashkar-e-Toiba militants, who carried out suicide attacks on Akshardham temple in Gujarat.

Referring to the Amarnath land row, Sinha said he wanted to improve the basic conditions of the pilgrims of the cave shrine.

“It was a non-issue out of which a communal tornado was launched. The whole issue was communalised. The battle for Kashmiriyat may have lost during the summer madness of 2008, but the war was not. And my stand was vindicated when over 60 per cent voters in Jammu and Kashmir showed their faith in Indian democracy and cast vote in the assembly polls which was unprecedented.”



Sinha wished that the electorate of India, “who have shown great maturity after the Emergency and again in 1980”, would show the same maturity in the coming Lok Sabha polls and elect a strong government at the Centre.

“If someone from the dynasty paratroops and takes charge, it will be betrayal of democracy and threat to the national security,” he said in an apparent dig at Congress General Secretary Rahul Gandhi (‘Mufti acted as “spokesman” of militants during his tenure’ 2009, *Zee News*, 16 March <http://www.zeenews.com/nation/2009-03-16/515262news.html> – Accessed 20 March 2009 – Attachment 38).

A 2006 article reports that a PDP leader had taken a contract from militants to kill rival NC and PDP politicians (Jahangir, M. 2006, ‘PDP leader took a contract from militants to kill colleagues: Cops’, *Indian Express*, 19 April <http://www.indianexpress.com/news/pdp-leader-took-a-contract-from-militants-to-kill-colleagues-cops/2741/> – Accessed 17 March 2009 – Attachment 39).

Another 2006 article reports links between PDP, NC and Congress leaders and Lashkar; “nexus between militants and politicians”:

A week after the arrest of a National Conference municipal councillor in Mumbai for his alleged Lashkar links, the J-K Police are looking for two “mainstream politicians” who they allege have been “running the fidayeen networks in Srinagar and Ganderbal.”

One of them is a municipal councillor, said Inspector General of Police, Kashmir, K Rajendra, who confirmed the search to *The Indian Express*. “It’s a fact that we are looking for two politicians (from mainstream parties). They are involved.”

Top sources say the politicians are from the ruling Congress-People’s Democratic Party alliance—one is from the Congress and the other is with the PDP—and are currently in New Delhi. “We are keeping an eye on them. They are hiding in the homes of senior politicians. We have sent word and want them to surrender as soon as possible,” a police officer said.

Just a month ago, the nexus between militants and politicians was exposed when a lawyer and a businessman from Kreeri Baramulla were picked up after the chance arrest of bank robber.

The lawyer was a card-holding member of the Congress and the businessman from the National Conference. One of them was even allotted government accommodation in a high-security hotel here. For the past one year, the police said, both ferried militants to carry out fidayeen attacks in their vehicle which had a special security pass to enter high-security offices and residential colonies (Jaleel, M. 2006, ‘Terror break: 2 Jammu and Kashmir politicians on the run’, *Indian Express*, 14 January <http://www.indianexpress.com/oldstory.php?storyid=85917> – Accessed 20 March 2009 – Attachment 40).

HRW’s 2006 report details a numerous killings of various political party activists by militants as retribution for having participated in electoral politics. These include PDP and NC leaders and workers. HRW states that “[m]ilitant groups have vigorously opposed political parties that contest elections in Jammu and Kashmir, calling them ‘Indian agents.’ They call for poll boycotts in every election, bomb polling stations, attack election agents and kill party activists” (Human Rights Watch 2006, “*Everyone lives in fear*” – *Patterns of impunity in Jammu and Kashmir*, September, pp. 128-140 – Attachment 12).

According to the available information, part of the government counter-insurgency strategy is the use of surrendered former militants. The latest US Department of State human rights

report states that “Government agencies funded and directed combat operations of former separatist guerrillas who surrendered to the Jammu and Kashmir government and who used their own weapons as part of police auxiliary units” (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – India*, 25 February, Section 1.a – Attachment 2).

### **8. Please provide a brief background on the result of the recent Jammu and Kashmir state elections and the new Jammu and Kashmir state government.**

The November–December 2008 Jammu and Kashmir state election ended as a victory for the pro-India National Conference Party (NC) which took 28 of the 87 available seats in the state assembly and was able to form government with the support of the Indian National Congress (INC or Congress) which took 17 seats. In the previous Jammu and Kashmir state election of 2002 the NC, similarly, took 28 seats but was unable to form government as the INC, then with 20 seats, cooperated with the People’s Democratic Party (PDP), then with 16 seats, to form a government with the PDP’s Mufti Mohammad Sayeed as Chief Minister. The Congress–PDP coalition was fractured, however, in mid-2008 when the PDP (which is generally referred to as a soft-separatist pro-Muslim party) refused to support the INC in what became known as the Amarnath land row; a planned allocation of forest land to the Shri Amarnath Shrine Board for the benefit of Hindu pilgrims. The NC subsequently assumed the role of most suitable ally for the INC and in January 2009 Congress support saw the NC’s Omar Abdullah sworn in as Chief Minister. The PDP, though no longer in government, is nonetheless now numerically stronger in the Jammu and Kashmir assembly than it was previously having won 21 seats in 2008 compared to 16 in 2002. The most remarkable surge in seats was won by the Bharatiya Janata Party (BJP) which won 11 seats compared to only a single seat in 2002. Committed separatist parties affiliated with the All-Party Hurriyat Conference (APHC) boycotted the polls. The elections were conducted at different times in the state’s various locales over seven phases in order to allow for the deployment of large numbers of security forces in each election zone in each phase. Some election violence was reported (for the 2008 polls result, see: ‘Jammu and Kashmir Assembly Election Results Declared’ 2008, Indian Elections website, 28 December <http://www.indian-elections.com/assembly-elections/jammu-kashmir/election-result-08.html> – Accessed 12 February 2009 – Attachment 41; ‘35 political parties failed to win a seat in Jammu and Kashmir polls’ 2008, *Rediff*, 29 December <http://www.rediff.com/news/2008/dec/29jkpoll-35-political-parties-failed-to-win-a-single-seat.htm> – Accessed 12 February 2009 – Attachment 42; for background on the NC, see: Jaleel, M 2008, ‘Finding the real National Conference’, *Indian Express*, 15 November <http://www.indianexpress.com/news/finding-the-real-national-conference/385935/0> – Accessed 12 February 2009 – Attachment 43; for the announcement of Omar Abdullah as Chief Minister, see: ‘Omar Abdullah sworn in as Jammu and Kashmir chief minister’ 2009, *Thaindian News*, source: *Indo-Asian News Service*, 5 January [http://www.thaindian.com/newsportal/uncategorized/omar-abdullah-sworn-in-as-jammu-and-kashmir-chief-minister-roundup\\_100138604.html](http://www.thaindian.com/newsportal/uncategorized/omar-abdullah-sworn-in-as-jammu-and-kashmir-chief-minister-roundup_100138604.html) – Accessed 12 February 2009 – Attachment 44; for an overview of the INC’s relations with the NC and the PDP, see: Bukhari, S. 2009, ‘Hope in the air’, *Frontline*, 17-30 January, vol.26: no.2 <http://www.hinduonnet.com/fline/fl2602/stories/20090130260203500.htm> – Accessed 12 February 2009 – Attachment 35; ‘PDP quits Kashmir government over Amarnath land row’ 2008, *Thaindian News*, source: *Indo-Asian News Service*, 28 June <http://www.thaindian.com/newsportal/india-news/pdp-quits-kashmir-government-over->

[amarnath-land-row-second-lead\\_10065655.html](http://www.thaindian.com/newsportal/uncategorized/national-conference-leads-in-jammu-and-kashmir-polls-lead-counting-trends_100135783.html) – Accessed 12 February 2009 – Attachment 45; Sen, A. 2002, ‘New leader for Indian Kashmir’, *BBC News*, 26 October, [http://news.bbc.co.uk/1/hi/world/south\\_asia/2364327.stm](http://news.bbc.co.uk/1/hi/world/south_asia/2364327.stm) – Accessed 17 November 2002 – Attachment 46; for an assessment of 2008 against 2002 voting trends vis-à-vis the various parties see: ‘National Conference leads in Jammu and Kashmir polls’ 2008, *Thaindian News*, source: *Indo-Asian News Service*, 28 December [http://www.thaindian.com/newsportal/uncategorized/national-conference-leads-in-jammu-and-kashmir-polls-lead-counting-trends\\_100135783.html](http://www.thaindian.com/newsportal/uncategorized/national-conference-leads-in-jammu-and-kashmir-polls-lead-counting-trends_100135783.html) – Accessed 12 February 2009 – Attachment 47; and: ‘PDP, NC improves in Kashmir at the cost of Congress, CPI-M, Ind’ 2008, *WebIndia123.com*, 38 December <http://news.webindia123.com/news/articles/India/20081228/1139270.html> – Accessed 12 February 2009 – Attachment 48; for the APHC boycott, see: ‘APHC to boycott Kashmir elections later this year’ 2008, *Pakistan Times*, 5 November <http://www.pakistantimes.net/2008/05/11/kashmir2.htm> – Accessed 12 February 2009 – Attachment 49; for security issues and the 2008 voter turnout, see: Ahmad, M. 2008, ‘JK: Low voter turnout in final phase’, *Rediff*, 24 December <http://www.rediff.com/news/2008/dec/24jkpoll-low-poll-turnour-in-final-phase.htm> – Accessed 12 February 2009 – Attachment 50; for examples of electoral violence, see: ‘NC-PDP clashes galore in South Kashmir’ 2008, *The Rising Kashmir*, 31 December [http://www.risingkashmir.com/index.php?option=com\\_content&task=view&id=9499](http://www.risingkashmir.com/index.php?option=com_content&task=view&id=9499) – Accessed 12 February 2009 – Attachment 51).

**9. Are there any reports of an incident where the state government transferred ownership of a tract of land owned by the Amar Nath Hindu temple to Muslims, with protests by Sikhs and Hindus resulting in the decision being reversed?**

There are a number of reports on the Amarnath Shrine incident, a selection of which are set out below. The incident triggered widespread communal violence, the coalition government of the Congress Party and the PDP collapsed, the Chief Minister resigned and the state was placed under federal rule until elections in November-December 2008. It should be noted that the original decision by the state authorities proposed to transfer land to the Amarnath Shrine Board in order to accommodate the annual Hindu pilgrimage to the site. There were widespread protests in the Kashmir valley which saw this decision reversed. There were then counter-protests in Jammu by Hindu nationalist groups, including the BJP, against the reversal of the decision. The row ended with an agreement allowing the Shrine Board to make temporary use of the land during the pilgrimage period (‘Amarnath land row: SASB can use land temporarily’ 2008, *Economic Times*, 31 August [http://economictimes.indiatimes.com/JK\\_Sangharsh\\_Samiti\\_agrees\\_to\\_peace/articleshow/3427212.cms](http://economictimes.indiatimes.com/JK_Sangharsh_Samiti_agrees_to_peace/articleshow/3427212.cms) – Accessed 24 March 2009 – Attachment 52; ‘Shrine tensions deepen Kashmir divide’ 2008, *Jane’s Islamic Affairs Analyst*, 20 October – Attachment 53).

A November 2008 Amnesty International statement gives the following brief information:

Protest demonstrations commenced this year after the state authorities announced a proposal to transfer forest land to the Amarnath Shrine Board on 26 May, in order to accommodate the annual Hindu pilgrimage at the shrine. After ten days of protests in Muslim-dominated Kashmir valley, on 1 July, the authorities reversed this order, triggering counter-demonstrations organized by Hindu nationalist organisations including the Bajrang Dal and the Viswa Hindu Parishad in the Jammu region and obstruction of traffic on the Jammu-

Pathankot national highway, the main land route to Kashmir. Following this, Kashmir valley witnessed protests during which about 25 persons were killed in police firing. At least in one instance during July-August, the state authorities issued "shoot at sight" orders to the security forces after two persons were killed as a result of police firing in response to communal clashes in the town of Kishtwar, Doda district of Jammu region ('India: Act with restraint during elections in Jammu & Kashmir' 2008, Amnesty International website, 13 November <http://www.amnesty.org/en/library/info/ASA20/028/2008/en> – Accessed 20 March 2009 – Attachment 54; see also: 'India: Repeal shoot on sight orders' 2008, Amnesty International website, 13 August <http://www.amnesty.org/en/for-media/press-releases/india-repeal-shoot-sight-orders-20080813> – Accessed 16 March 2009 – Attachment 17).

The latest US Department of State religious freedom report:

On May 26, 2008, the Jammu and Kashmir Government decided to transfer 100 acres of land to the Shri Amarnath Shrine Board (SASB), a government-run organization that oversees an annual Hindu pilgrimage to a shrine in the Himalayas. Kashmiri residents motivated by Muslim separatist groups began nonviolent protesting. By June 23 the protests had gained momentum, and on June 25 the situation turned violent when police opened fire, killing two teenagers and injuring more than seventy protestors and police. On June 30 the SASB withdrew its claim to the land and ownership reverted to the state government. Separatist leaders accused the National Government and the state government of illegally confiscating public land and settling non-Kashmiris in an attempt to set up a Hindu state and change the demographics in the Muslim-majority state (US Department of State 2008, *International Religious Freedom Report for 2008 – India*, 19 September – Attachment 6).

*The Economic Times* details the role of the BJP in the affair:

Just when it started looking as if the BJP had somehow lost its script for next year's general election, losing out to its principal political rival in Delhi and Rajasthan, it has staged a comeback of sorts, putting up its best-ever performance in Jammu and Kashmir.

The saffron-party's decision to openly back the Amarnath land agitation, using the issue to skillfully play upon the decades-long pent-up feeling of neglect among the people of the Jammu region, saw it leapfrogging to 11 seats, up from a paltry one won by it in 2002. All these victories came from the Jammu region, and were scattered in the Jammu, Udhampur, Samba, Kathua and Reasi districts.

The constituencies won by the saffron outfit included Nagrota, Jammu (East), Jammu (West), Reasi, Bani, Basohli, Hiranagar, Marh, Raipur-Domana, R S Pura and Suchetgarh.

Political analysts attributed the BJP's performance to the role played by it in steering the twomonth long Amarnath land agitation, which culminated in the victory for the agitationists. The Congress' flip-flop on the row, and the stiff resistance put up by the PDP was adroitly used by the BJP brass to convince the Jammu electorate that it could not get justice from these parties, as well as the National Conference, which were branded as being "soft-on-the-Valley," despite the fact Jammu was the main economic powerhouse.

The BJP's chief electoral plank "Jammu Ek To Jeete Jammu," in fact, was woven around this theme. The strategy, plus some clever caste arithmetic, paid the party rich dividends. In the three seats falling in the Jammu town, it fielded candidates belonging to a Vaishya (former union minister Chaman Lal Gupta in Jammu-West), a Brahmin (state president Ashok Khajuria in Jammu-East) and a Thakur (former state president Nirmal Singh in Gandhinagar). Even though Mr Singh lost to the Congress narrowly in Gandhinagar, the combination worked well, helping the party generate an across-the-board support in the Hindu-majority seats.

Jammu region accounts for 37 seats in the 87-strong assembly. Of these, some 20 are Hindu-majority . The BJP won 11 of these, and finished runners-up in another 13. It lost the Vijaynagar seat by a mere 27 votes. And only Habakadal from this lot was from the Valley.

Having registered its presence in the region, the party would now be expected to champion the cause of Jammu even more aggressively (Kumar, D. 2008, 'Amarnath blesses BJP', *Economic Times*, 29 December

[http://economictimes.indiatimes.com/News/PoliticsNation/Amarnath\\_blesses\\_BJP/rssarticleshow/3906854.cms](http://economictimes.indiatimes.com/News/PoliticsNation/Amarnath_blesses_BJP/rssarticleshow/3906854.cms) – Accessed 20 March 2009 – Attachment 55).

Also see: 'Shrine tensions deepen Kashmir divide' 2008, *Jane's Islamic Affairs Analyst*, 20 October – Attachment 53.

## List of Sources Consulted

### Internet Sources:

Google search engine <http://www.google.com/>

### Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

## List of Attachments

1. RRT Country Research 2007, *Research Response IND31365*, 2 March.
2. US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – India*, 25 February.
3. 'Badal sworn in as Punjab CM' 2007, Rediff.com website, <http://in.rediff.com/news/2007/mar/02punpoll.htm> – Accessed 9 July 2007.
4. Anand, Ashwani K. 2007, 'Badal prepares for fourth term as CM', Rediff.com website, 28 February <http://in.rediff.com/news/2007/feb/28punpoll6.htm> – Accessed 9 July 2007.
5. RRT Research & Information 2009, *Research Response IND34470*, 2 March.
6. US Department of State 2008, *International Religious Freedom Report for 2008 – India*, 19 September.



7. 'Four injured as Akali, BJP supporters' clash' 2008, *Thaindian News*, 19 June [http://www.thaindian.com/newsportal/politics/four-injured-as-akali-bjp-supporters-clash\\_10062146.html](http://www.thaindian.com/newsportal/politics/four-injured-as-akali-bjp-supporters-clash_10062146.html) – Accessed 16 March 2009.
8. 'BJP workers in Punjab protest against Akali Dal' 2008, *Thaindian News*, 13 May [http://www.thaindian.com/newsportal/politics/bjp-workers-in-punjab-protest-against-akali-dal\\_10048211.html](http://www.thaindian.com/newsportal/politics/bjp-workers-in-punjab-protest-against-akali-dal_10048211.html) – Accessed 16 March 2009.
9. Pandher, S. 2008, 'Akalis, BJP clash during polls; two killed', *The Hindu*, 13 May <http://www.hindu.com/2008/05/13/stories/2008051357000500.htm> – Accessed 16 March 2009.
10. UK Home Office 2008, *Country of Origin Information Report: India*, 31 January.
11. Chadda, Maya 2006, 'Minority rights and conflict prevention: Case study of conflicts in Indian Jammu and Kashmir, Punjab and Nagaland', Minority Rights Group International website, August.
12. Human Rights Watch 2006, "Everyone lives in fear" – *Patterns of impunity in Jammu and Kashmir*, September.
13. Williams, M. 2009, 'Q+A: Kashmir: An obstacle to South Asia stability', ReliefWeb, source: *Reuters Foundation*, 10 February <http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-7P5EWY?OpenDocument&rc=3&cc=ind> – Accessed 16 March 2009.
14. Mushtaq, S. 2009, 'One killed, 40 hurt in Indian Kashmir clash', ReliefWeb, source: *Reuters Foundation*, 6 March <http://www.reliefweb.int/rw/rwb.nsf/db900sid/SODA-7PVMEN?OpenDocument&rc=3&cc=ind> – Accessed 16 March 2009.
15. Mushtaq, S. 2009, 'Indian police stop Kashmir procession, 80 hurt', ReliefWeb, *Reuters Foundation*, 6 January <http://www.reliefweb.int/rw/rwb.nsf/db900sid/FBUO-7N2JA9?OpenDocument&rc=3&cc=ind> – Accessed 16 March 2009.
16. Swami, P. 2008, 'Deepening divide in Jammu and Kashmir', *The Hindu*, 18 July <http://www.hindu.com/2008/07/18/stories/2008071854981000.htm> – Accessed 16 March 2009.
17. 'India: Repeal shoot on sight orders' 2008, Amnesty International website, 13 August <http://www.amnesty.org/en/for-media/press-releases/india-repeal-shoot-sight-orders-20080813> – Accessed 16 March 2009.
18. 'Lashkar-e-Tayyiba' 2009, *Jane's World Insurgency and Terrorism*, updated 10 March.
19. 'Incidents involving Lashkar-e-Toiba (1996-2009)' 2009, South Asia Terrorism Portal website, last updated 9 March [http://www.satp.org/satporgtp/countries/india/states/jandk/terrorist\\_outfits/lashkar\\_e\\_t\\_oiba\\_it.htm](http://www.satp.org/satporgtp/countries/india/states/jandk/terrorist_outfits/lashkar_e_t_oiba_it.htm) – Accessed 20 March 2009.
20. 'Lashkar-e-Taiba group denies terror plot' 2008, *China National News*, 15 December <http://story.chinanationalnews.com/index.php/ct/9/cid/9366300fc9319e9b/id/442234/>



[cs/1/](#) – Accessed 17 March 2009.

21. 'Jammu and Kashmir Timeline – 2007' 2007, South Asia Terrorism Portal website, last updated 30 December  
<http://satp.org/satporgtp/countries/india/states/jandk/timeline/year2007.htm> – Accessed 17 March 2009.
22. 'Jammu and Kashmir Timeline – 2006' 2006, South Asia Terrorism Portal website, last updated 30 December  
<http://satp.org/satporgtp/countries/india/states/jandk/timeline/year2006.htm> – Accessed 17 March 2009.
23. US Department of State 2003, *International Religious Freedom Report for 2003 – India*, 18 December.
24. Motta, S. 2009, 'Violence in Kashmir drops to all time low in 2008', ReliefWeb, source: OneWorld International Foundation, 27 January  
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/RMOI-7NPVBV?OpenDocument&rc=3&cc=ind> – Accessed 17 March 2009.
25. Samanta, P. 2008, 'Threat to Hindus in Valley: RAW', Kashmirlive.com, 28 August  
<http://www.kashmirlive.com/story/Threat-to-Hindus-in-Valley--RAW/354210.html> – Accessed 17 March 2009.
26. Paul, R. 2009, 'Chattisingpora Massacre', *Daily Rising Kashmir*, 19 March  
[http://www.risingkashmir.com/index.php?option=com\\_content&task=view&id=11396&Itemid=1](http://www.risingkashmir.com/index.php?option=com_content&task=view&id=11396&Itemid=1) – Accessed 20 March 2009.
27. Ahmad, M. 2009, 'Five LeT militants killed in J&K', *Rediff*, 14 March  
<http://www.rediff.com/news/2009/mar/14jammu-militants-holed-up-in-mosque-operation-on.htm> – Accessed 20 March 2009.
28. 'SPO shot dead by militants in Doda district' 2009, *Zee News*, 2 March  
<http://www.zeenews.com/states/2009-03-02/511836news.html> – Accessed 17 March 2009.
29. Khan, M. 2009, 'India's Sikh Militants Forming Ties with Lashkar-e-Taiba and Pakistani Intelligence', *Jamestown Terrorism Monitor*, vol 7, issue 1, 9 January.
30. 'Sikhs seek say in Indo-Pak talks' 2006, *Kashmir Today*, 6 February  
<http://www.kashmirtoday.com/> – Accessed 27 February 2007.
31. 'Give security to Sikhs: Talwandi' 2001, *The Tribune*, 7 February  
<http://www.tribuneindia.com/2001/20010207/main1.htm> – Accessed 19 February 2007.
32. 'Discrimination with Sikh community alleged' 2002, *Daily Excelsior*, 1 August  
<http://www.dailyexcelsior.com/02aug01/state.htm#5> – Accessed 23 February 2007.
33. 'Minorities will be taken into confidence' 2005, *Express India*, 21 July  
[http://www.expressindia.com/news/kashmir/full\\_story.php?content\\_id=51198&type=ei](http://www.expressindia.com/news/kashmir/full_story.php?content_id=51198&type=ei) – Accessed 17 March 2009.

34. 'Sikh organisation seeks minority status for community in Jammu and Kashmir' 2009, *Hindustan Times*, 11 January  
<http://www.hindustantimes.com/StoryPage/StoryPage.aspx?sectionName=India&id=84e33bc3-dcde-49d7-8e7d-0c0f60cd99f2&&Headline=Sikh+organisation+seeks+minority+status+for+community+in+J%26amp%3BK> – Accessed 17 March 2009.
35. Bukhari, S. 2009, 'Hope in the air', *Frontline*, 17-30 January, vol.26: no.2  
<http://www.hinduonnet.com/fline/fl2602/stories/20090130260203500.htm> – Accessed 12 February 2009.
36. Banks, A.S., Muller, T.C. & Overstreet, W.R. 2007, 'India' in *Political Handbook of the World: 2007*, CQ Press, Washington. (RRT Library)
37. 'Jammu and Kashmir People's Democratic Party' (undated), Maps of India website  
<http://www.mapsofindia.com/jammu-kashmir/government-politics/peoples-dempratic-party.html> – Accessed 20 March 2009.
38. 'Mufti acted as "spokesman" of militants during his tenure' 2009, *Zee News*, 16 March  
<http://www.zeenews.com/nation/2009-03-16/515262news.html> – Accessed 20 March 2009.
39. Jahangir, M. 2006, 'PDP leader took a contract from militants to kill colleagues: Cops', *Indian Express*, 19 April  
<http://www.indianexpress.com/news/pdp-leader-took-a-contract-from-militants-to-kill-colleagues-cops/2741/> – Accessed 17 March 2009.
40. Jaleel, M. 2006, 'Terror break: 2 Jammu and Kashmir politicians on the run', *Indian Express*, 14 January  
<http://www.indianexpress.com/oldstory.php?storyid=85917> – Accessed 20 March 2009.
41. 'Jammu and Kashmir Assembly Election Results Declared' 2008, Indian Elections website, 28 December  
<http://www.indian-elections.com/assembly-elections/jammu-kashmir/election-result-08.html> – Accessed 12 February 2009.
42. '35 political parties failed to win a seat in Jammu and Kashmir polls' 2008, *Rediff*, 29 December  
<http://www.rediff.com/news/2008/dec/29jkpoll-35-political-parties-failed-to-win-a-single-seat.htm> – Accessed 12 February 2009.
43. Jaleel, M 2008, 'Finding the real National Conference', *Indian Express*, 15 November  
<http://www.indianexpress.com/news/finding-the-real-national-conference/385935/0> – Accessed 12 February 2009.
44. 'Omar Abdullah sworn in as Jammu and Kashmir chief minister' 2009, *Thaindian News*, source: *Indo-Asian News Service*, 5 January  
[http://www.thaindian.com/newsportal/uncategorized/omar-abdullah-sworn-in-as-jammu-and-kashmir-chief-minister-roundup\\_100138604.html](http://www.thaindian.com/newsportal/uncategorized/omar-abdullah-sworn-in-as-jammu-and-kashmir-chief-minister-roundup_100138604.html) – Accessed 12 February 2009.
45. 'PDP quits Kashmir government over Amarnath land row' 2008, *Thaindian News*, source: *Indo-Asian News Service*, 28 June  
<http://www.thaindian.com/newsportal/india-news/pdp-quits-kashmir-government->

- [over-amarnath-land-row-second-lead\\_10065655.html](#) – Accessed 12 February 2009.
46. Sen, A. 2002, 'New leader for Indian Kashmir', *BBC News*, 26 October, [http://news.bbc.co.uk/1/hi/world/south\\_asia/2364327.stm](http://news.bbc.co.uk/1/hi/world/south_asia/2364327.stm) – Accessed 17 November 2002.
  47. 'National Conference leads in Jammu and Kashmir polls' 2008, *Thaindian News*, source: *Indo-Asian News Service*, 28 December [http://www.thaindian.com/newsportal/uncategorized/national-conference-leads-in-jammu-and-kashmir-polls-lead-counting-trends\\_100135783.html](http://www.thaindian.com/newsportal/uncategorized/national-conference-leads-in-jammu-and-kashmir-polls-lead-counting-trends_100135783.html) – Accessed 12 February 2009.
  48. 'PDP, NC improves in Kashmir at the cost of Congress, CPI-M, Ind' 2008, *WebIndia123.com*, 38 December <http://news.webindia123.com/news/articles/India/20081228/1139270.html> – Accessed 12 February 2009.
  49. 'APHC to boycott Kashmir elections later this year' 2008, *Pakistan Times*, 5 November <http://www.pakistantimes.net/2008/05/11/kashmir2.htm> – Accessed 12 February 2009.
  50. Ahmad, M. 2008, 'JK: Low voter turnout in final phase', *Rediff*, 24 December <http://www.rediff.com/news/2008/dec/24jkpoll-low-poll-turnour-in-final-phase.htm> – Accessed 12 February 2009.
  51. 'NC-PDP clashes galore in South Kashmir' 2008, *The Rising Kashmir*, 31 December [http://www.risingkashmir.com/index.php?option=com\\_content&task=view&id=9499](http://www.risingkashmir.com/index.php?option=com_content&task=view&id=9499) – Accessed 12 February 2009.
  52. 'Amarnath land row: SASB can use land temporarily' 2008, *Economic Times*, 31 August [http://economictimes.indiatimes.com/JK\\_Sangharsh\\_Samiti\\_agrees\\_to\\_peace/articleshow/3427212.cms](http://economictimes.indiatimes.com/JK_Sangharsh_Samiti_agrees_to_peace/articleshow/3427212.cms) – Accessed 24 March 2009.
  53. 'Shrine tensions deepen Kashmir divide' 2008, *Jane's Islamic Affairs Analyst*, 20 October. (RRT Library General Papers)
  54. 'India: Act with restraint during elections in Jammu & Kashmir' 2008, Amnesty International website, 13 November <http://www.amnesty.org/en/library/info/ASA20/028/2008/en> – Accessed 20 March 2009.
  55. Kumar, D. 2008, 'Amarnath blesses BJP', *Economic Times*, 29 December [http://economictimes.indiatimes.com/News/PoliticsNation/Amarnath\\_blesses\\_BJP/rss\\_articleshow/3906854.cms](http://economictimes.indiatimes.com/News/PoliticsNation/Amarnath_blesses_BJP/rss_articleshow/3906854.cms) – Accessed 20 March 2009.