

# Governor Jagmohan & His Penchant For Murder

*An account of the tyranny perpetrated by India's Governor  
Jagmohan on the people of Jammu & Kashmir*

*Excerpted from reports prepared by*

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# **Report of Justice Farooqi**

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In 1990, the Indian Government could no longer hide behind subterfuge and was obliged to jettison Governor Jagmohan who was ruling Kashmir with hands drenched in blood. The Indian Government was backing the iron-fisted murderer because soon after Jagmohan was elected to Rajya Sabha, the upper house of India's bicameral legislature.

Upon his induction as Governor of occupied Kashmir, Jagmohan deployed thousands of military and para-military personnel in occupied Kashmir. They carried out mass killings of innocent people as a result of indiscriminate firings. The towns of Gaw Kadal, Alangari Bazar, Zakura, Tengpora (Bye-pass Road), Hawal (near Islamia College, Srinagar) and Handwara bear witness to their brutal killings. The genocide carried out in these communities is worse than many of the tragedies that took place during the colonial rule by the British.

The deployment of these troops was in total disregard of the provisions of the Constitution of India, as applicable to Kashmir. The Constitution clearly states that armed forces subject to the control of union cannot be deployed in aid of civil power in the State.

It was thus, Jagmohan converted Kashmir into a virtual prison for nearly four months, January to April 1990, by continued imposition of curfew to harass and intimidate the Kashmiri people. The relaxation, if ever allowed, was nominal: it started at 5:00 a.m. when it would be still dark and ended at 9:00 a.m. which was the usual time for Kashmiris to move out of their houses due to chilling cold outside. This made it impossible for the people even to buy minimum supplies to sustain life. Later, he made even this nominal relaxation meaningless by banning the use of vehicles during relaxation hours. As a result essential commodities could not be transported from one place to the other. This only added to the hardship of the people. Even the sick and the pregnant women were unable to go to the hospitals which resulted in many avoidable deaths.

Governor Jagmohan's continued imposition of curfew also resulted in many deaths through starvation or the inability to get medicines from the pharmacies.

The unjustifiable and indiscriminate firings by military and para-military forces even during the relaxation periods, did not allow traders to venture out. This kept their shops closed and halted all trade and commercial activity in the valley. This was a deliberate act perpetrated to cripple the already ailing economy of Kashmir. It was designed to hastening the death of as many people as possible through economic strangulation.

This state sponsored terrorism created a situation in Kashmir where private transporters were hesitant to enter the valley. As a result the stocks of goods dwindled, and even medicines became scarce. The Administration made no alternative arrangements, causing a lot of human sufferings in Kashmir. Even the medicines which were available could not be purchased as the pharmacies remained closed due to curfew. Jagmohan's response was a callous indifference except that, as an eyewash, curfew passes were given to a few pharmacists in Srinagar city to enable them to keep their shops open during curfew hours. It was not, however, possible for patients to reach these shops during curfew hours without curfew passes. In consequence, thousands of sick men, women, children and old people could not get medicines, resulting in many deaths.

The continuous and indefinite curfew hit the day labor the hardest. Since Jagmohan took over as Governor they were not able to work except for a few days when day time curfew was lifted. To alleviate their sufferings, several local voluntary relief organizations were formed. These were, however, not allowed to function by Jagmohan. He got their members arrested and beaten mercilessly, causing serious injuries to most of them. Thus, even this relief was denied to the starving day labor.

Even those who had money could not buy essential commodities as supplies could not be brought to the local markets because of the continuous and indefinite curfew and restrictions on movement of vehicles even during relaxation of curfew. Added to this was the omnipresent threat of indiscriminate firing by the Indian security forces. They who hovered over the people like vultures with their fingers on the trigger.

The banks remained closed and did not open even during curfew relaxation. Even when they opened for brief periods, they either refused to make payments or made small payments on account of alleged shortage of cash. According to information received by the author they were doing so under verbal instructions from Jagmohan so that even those who had bank deposits were driven to the brink of starvation.

The para-military forces were not withdrawn from the main markets even when the curfew was relaxed. They continued to terrorize the people, and on several occasions opened fire indiscriminately. For instance, on February 14, 1990, the para-military forces opened fire, during non-curfew hours, in Hari Singh High Street and on another occasion in Lal Chowk, killing several Muslims including shopkeepers. Thus the shopkeepers preferred to keep their shops closed. The policy was deliberately pursued by Jagmohan to hasten the death of as many innocent people as possible through economic strangulation.

Kashmir is heavily dependent on imports from the outside. The only road con-

necting Kashmir valley with the outside world is the Banihal Cart Road. This road was often closed for traffic during Jagmohan's rule on the false plea that there were landslides. Such closures lasted up to 14 days in a stretch. The only objective was to prevent flow of food supplies and other essentials into Kashmir.

The Jagmohan Administration did not make any arrangements for taking patients from their houses to hospitals during curfew hours. As a result many died because they could not get any timely aid. The worst sufferers were pregnant women who died or gave birth to still-born babies because they could not reach hospitals due to curfew restrictions. Many patients from non-curfew bound areas died because they could not be taken to hospitals located in the curfew affected urban areas like the city of Srinagar and the district headquarters.

Some people had set up a voluntary relief organization, the *Hilal i Ahmar* (the Red Crescent) to collect donations and provide relief to the poor and needy including those who suffered injuries. It was a non-partisan, non-sectarian organization which provided relief to all. But Jagmohan branded it as a 'terrorist' organization and cracked down on its organizers and even confiscated the relief supplies collected by them.

A few people residing in the vicinity of hospitals in the city of Srinagar and district and sub-district hospitals outside Srinagar, moved by the sufferings of the in-patients and their attendants on account of non-availability of food during curfew days, set up free kitchens. But even these kitchens were not allowed to function and the organizers were beaten up by para-military forces posted at these hospitals. There is substantial evidence that this was done under instructions from Jagmohan.

In order to create tension within and outside Kashmir, Jagmohan planned the exodus of Kashmiri Pandits, the Hindus. For this he provided them transport during curfew hours. Later, he ordered setting up of relief centers for them at various places in the State. But he failed to make similar arrangements for those Muslims who had to flee their homes on account of military excesses such as arrests of their children and the molestation during the course of surprise raids and searches.

Jagmohan visited the houses of some deceased Kashmiri Pandits to sympathize with and provide relief to their survivors but he failed to show similar compassion toward survivors of Muslim victims. He sent his representatives to enquire about the welfare of non-Muslims and to find out if they wanted any security to be provided to them. But he did not bother about Muslims who required similar protection against the excesses from the security forces.

The 24-hour curfew which stretched from January to April 1990, prevented the functioning of Government ration shops which sell essential food items. This drove many to the brink of starvation and even resulted in some avoidable deaths. Jagmohan responded to this predicament of the people with callous indifference.

Jagmohan shifted non-Muslim government employees to Jammu or New Delhi where they got their salaries without doing any work. On the other hand, if a Muslim government employee failed to report to work due to curfew restrictions or non-availability of transport, he was subjected to harassment and even threatened with disciplinary action on account of the verbal instructions issued in that behalf by Jagmohan.

Jagmohan dismissed several Muslim officers and staff on allegations of collaborating with "militants." But similar action was not initiated against Hindus who were collaborating with hate-spreading Hindu fundamentalist organizations such as the Shiv Sena (the army of Shiva a Hindu god).

When 12 prisoners escaped from Srinagar Jail, 28 Muslim jail officers were summarily dismissed by Jagmohan without even giving them a chance to give their explanation. But no action was taken against those on duty in Samba Police Station where six prisoners escaped within 12 hours of the Srinagar jail incident. It is said that the officers and staff on duty at Samba were spared only because they were non-Muslims.

As a result of Jagmohan's imposition of dusk to dawn curfew within the 5 Km belt on the Indian side of the Line of Control in Kashmir, most of the people living in those areas, all of whom are Muslims, were forced to flee their homes, many had to leave Kashmir. Jagmohan failed to provide any relief to such displaced persons although they were hit worse than the Kashmiri Pandit migrants.

The news sections of Radio Kashmir and the Indian Door Darshan Kandra at Srinagar were closed on orders from Jagmohan to enable himself to tailor news broadcast from their counterparts at Jammu.

The insurance companies, reportedly acting on Jagmohan's orders, delayed settlement of claims of Muslims who had suffered loss on account of damage or destruction of their property in the course of the prevailing situation in the Valley. While claims arising out of the fire in Delhi's Saddar Bazar were ordered to be settled within a week.

Jagmohan's 24-hour curfew killed many small babies because they could not get milk or other baby foods.

In order to operate with complete impunity, Jagmohan banned the publication of local newspapers and entry of foreign correspondents into Kashmir. He ordered the withdrawal of curfew passes of all news reporters including foreign correspondents. This was allegedly done for their personal safety, but the real intention was to suppress the news about the sufferings inflicted by him on the people of Kashmir. The news about the ingenious methods of torture adopted by him,

however, leaked out. Under the pressure of public opinion he decided to issue curfew passes to local news reporters on selective basis hoping that this could be helpful for the suppression of true facts about the situation in Kashmir. The constraints, however, did not work to the satisfaction of Jagmohan as various newspapers still acted fairly and fearlessly. Governor Jagmohan banned the publication of such newspapers and even sealed their printing presses. He threatened others with prosecution. All this was done verbally without issuing any written orders.

Jagmohan also acted harshly even with political parties; he declared almost all the parties unlawful despite the fact that most of them had been in existence for years. In doing so, Jagmohan simply wanted to stop any kind of political activity in Kashmir, unmindful of the fact that this was clearly against the letter and spirit of the Constitution.

Jagmohan authorized the regular troops and other para-military forces to make arrests and to conduct searches and seizures although law did not permit it. During Jagmohan's regime illegal searches and raids were made by military and para-military forces ostensibly on the ground of flushing out 'militants'. But these were exercises in terror where the youth were dragged out on the streets and beaten mercilessly, and later arrested without warrants. The soldiers looted the homes and harassed and often raped the women.

In the later days of Jagmohan's rule, these raids and searches became more humiliating and oppressive. The soldiers reportedly acting under his verbal instructions staged pre-dawn attacks. A selected area was cordoned off by military and para-military forces, the inhabitants of the locality would be asked through public address system to come out of their houses and were herded to a vacant place usually one or one and a half kilometers away. Then each homeowners was brought in and the soldiers began to look for books, magazines and newspapers, and other published or unpublished material. In the course of this process they stole anything of value, even cash and jewelry. This process would continue for the whole day till as late as 7:00 p.m. with the inhabitants herded in the open space without food, water or shelter. After the searches were over, the security forces would pick up young boys of the neighborhood and take them away for interrogation and torture. Those who perished during such torture were left at the Control Room, a hospital or near the neighborhood. While those who managed to survive were left with severe injuries which crippled and maimed them for life.

In district Kupwara, Indian para-military and army would surround a village in the middle of the night and force their way into the houses, drag out all male members, young and old, and mercilessly beat them up before taking them for interrogation and torture in the temporary camps nearby. While some of these soldiers would set themselves upon the women. Each village was terrorized for several days. The men were given electric shocks in their genitals which made

most of them impotent. Some of them were even branded with hot iron rods while most others were beaten with clubs. Several people died during this barbarism; later it was claimed that they had died during encounters with the army although their bodies did not bear any bullet marks.

In Sopore, two armed groups carried out such searches during 1990. The first group entered the houses, conducted a most innocuous and perfunctory search and make the inhabitants sign on declaration that the search had been conducted in a proper manner and nothing had been taken away. Immediately after, the second party consisting of men and women armed with clubs and electric wires would enter the house and start beating the residents indiscriminately without regard to age or sex. Their fury was particularly directed against young men and women who were beaten with clubs and then given electric shocks. The people were forced to drink sewer water and were forced to shout 'Ram Ram'. In other places the young men were herded in army trucks and taken for interrogation and torture.

The pattern of atrocities committed during such searches by the security forces has been similar all over the valley. Thousands of young men have been jailed, tortured, maimed, electrocuted, murdered and made generally useless for the rest of their lives. The kidnapping of Yousuf Jameel, a highly respected journalist, from his home in Srinagar in broad-day light by the Indian Army and the murder of Maulana Farooq, a respected Muslim leader, and the subsequent attempt of the Government to shift the blame to the Kashmiri mujahideen is illustrative of the machinations of the Security Forces and Governor Jagmohan and his administration as also the Indian Government.

Commenting editorially on the episode involving kidnapping of Yousuf Jameel, *Kashmir Times* (June 5, 1990), a respected local newspaper, said:

“The murky episode involving army and journalist Yousuf Jameel brings into focus the lack of grip of the established authority on agencies dealing with the on-going militancy in Kashmir. It appears that all categories of uniformed people have been authorized to operate as they wish, even without seeking the approval of their respective seniors. The scenario that emerged on Sunday was that of a wholly demolished administrative structure. This was inevitable in the arrangement allegedly evolved by the former Governor under which junior officers from army and para-military forces were authorized to take any action they thought was required in dealing with the militants.”

As part of his plan to terrorize Kashmiris and break their spirit, Jagmohan gave instructions to the security forces to shoot indiscriminately on peaceful rallies. No action was ever taken on the cases registered in various police stations in this



respect. On the other hand, Jagmohan and his administration have tried to justify these shootings and killings on false and frivolous grounds.

Such indiscriminate and unprovoked shootings resulted in the deaths of men, women and children, while several thousand have been seriously injured, maimed and crippled for the rest of their lives. The unprovoked and unjustifiable shooting firing on peaceful processions at Gaw Dalal on January 21, 1990, at Zakura and Bye-pass on March 3, 1990, and at Hawal on May 21, 1990 in Srinagar District and several other places in Anantnag, Kupwara, Baramulla, Budgam and Pulwama Districts of the Kashmir Valley, resulted in deaths of several thousand people and injuries to many more. Apart from this there were several unjustified killings of innocent people in other minor incidents throughout the Valley.

In several places in the valley, Indian security forces entered the homes of people and apart from committing other atrocities, molested women and in some cases raped them. The incidents at Channapora, Nawakadal and Badgam bear special mention. On March 8, 1990, para-military troops of the dread Indian Central Reserve Police Force (CRPF) entered some homes in Channapora, Srinagar. They beat up the men while women were molested and raped. Some of the women could save their honor only by jumping through the windows, even several story high. This resulted in serious injuries to them.

On May 4, 1990, security forces forced their entry into homes in Nawakadal, Srinagar. They beat up the residents, fired their guns, and harassed women. As a result a young girl, Jalal Bano, was killed while her mother was seriously injured. They hauled away two youth, Mirajuddin Lone and Ghulam Mohammad Shafiqi and mercilessly beat them to death on Nalla Mar Road near Doma Kadal (see Daily *Wadi-ki-Awaz* May 9, 1990).

In Badasgam, Anantnag, during the intervening night of 17/18th May, 1990, an Indian Border Security Forces (BSF) patrol stopped a bus carrying a bridal party. They beat up and seriously injured the bridegroom, gang-raped the bride and the bridesmaid, and kidnapped the bride. The bus which had 78 bullet holes was towed to the District Police office in Anantnag. The local authorities reportedly informed Governor Jagmohan about the occurrence but he treated this report with his usual indifference.

In an attempt to legitimize the barbarism unleashed on the people of Kashmir, Jagmohan either enacted new laws or carried out amendments in the existing laws. Thus he not only transgressed the bounds of decency, morality and civilized values but also the Indian Constitution, a document he had pledged to uphold when he took oath of office. A case in point is the Jammu & Kashmir Public Safety Act. Jagmohan amended it to facilitate the transfer of prisoners to places outside Kashmir in order to harass and intimidate them.

During the Jagmohan era, thousands of people from Kashmir were jailed under the so-called "Terrorist and Disruptive Activities Act" (TADA), (Central Act No. xx of 1985). The accused were being tried by the 'Designated Court' at Srinagar. In order to further persecute the accused and his family, Jagmohan dissolved the Court by means of S.R.O. 160 of 1990 and directed that a single court with headquarters at Jammu will all pending and future cases registered under TADA. This amounted to total denial of justice which is not countenanced by the Constitution which he had sworn to uphold in Kashmir.

The blood-soaked soil of Kashmir, the bullet marked shops houses and streets, the widely scattered grave-yards of the martyrs, the unending cries of the wailing mothers, orphans and widows, the bruised bodies and terrified faces of those living bear a mute testimony to the large-scale barbarism committed by Jagmohan with the tacit consent of the Government of India. Only a glimpse of these horrors can be found in the cold print which is a contribution to the ongoing struggle for self-determination in Kashmir by some human rights organizations and activists of India and journalists from India and abroad who came to Kashmir and see things for themselves.

## Report of Justice Tarkunde

A four member team of the Committee for Initiative on Kashmir (CIK) visited Jammu and Kashmir from March 12, 1990 and later issued a report entitled "India's Kashmir War." CIK met with the Kashmiri victims of Jagmohan's brutalities, eye-witnesses, senior Indian government officers, and many others. They learnt about indiscriminate killings, arbitrary arrests, unlawful searches, unprovoked assaults on peaceful rallies, gang-rapes, and the sufferings inflicted by the 24-hour curfew. The investigation revealed that these abuses had been perpetrated by the law enforcement agencies, CRPF, BSF, and the Indian Army. The CIK team found that these were not *isolated incidents* but a result of *official policy* of the Jagmohan Administration, and senior Indian administrators justified these acts. The report said:

The National Front Government plan to check terrorism in Kashmir has, in practice, turned out to be an exercise directed against the vast masses of the Kashmiri common people, who are being denied the fundamental rights guaranteed under the Indian Constitution, and enshrined in the Universal Declaration of Human Rights to which the Indian Government is a signatory.

The CIK team said the use of violence and intimidation by a handful of decision-makers whether among the rulers or the opposition, do not absolve India of

its responsibility to respect and protect fundamental human rights of citizens it claims to be a part of the Indian Union. The findings of the team reveal Indian civil and military officials in Kashmir have failed to contain “terrorism” and are instead trying to compensate for that failure by wreaking vengeance on the innocent masses of the Valley. The team’s talks with Indian antiterrorism officials indicated that they suffered from the paranoia that the entire population of the Valley was pro-Pakistani “terrorists”. Under such conditions, the maintenance of law and order became subject to humiliation, discrimination and shooting by the security forces. The Indian Government’s plan to suppress ‘terrorism’ this ended up in convincing the people that ‘independence’ from New Delhi is the only way of escape from such state sponsored repression. This feeling was eloquently summed up by a Kashmiri government officer: “Till January 19, I was against the militants, Today, I am for them.”

## **A Few Major Incidents**

The date January, 19, 1990, when Jagmohan took over as Governor of Indian occupied Jammu and Kashmir, is regarded as a watershed by many Kashmiris. It is not as if there were no police shootings or curfews before Jagmohan’s arrival. During Farooq Abdullah’s chief ministership, there were many occasions when in anti-terrorist operations, where unarmed and peaceful people became targets of the Security forces. On January 9, 17 people were killed in a police attack. The imposition of curfew at frequent intervals was also becoming a regular feature.

But Jagmohan’s return as Governor, signalled the unleashing of state repression on a massive scale. Widespread searches and raids by the security forces brought about untold misery and sufferings for the people. Soon after he took over there were at least three major incidents of shootings on unarmed demonstrators resulting in deaths and injuries to hundreds, including women and children.

Jagmohan’s first day in office was marked by raids and searches conducted by security forces, ostensibly to flush out ‘terrorists’ in the Habba Kadal area of Srinagar from the midnight of January 19, till the morning of January 20. About 488 young people both Muslims and Hindus were dragged out from their houses, mercilessly beaten and taken away. It is significant that the local civil authorities of Srinagar were never consulted before the raids were conducted. The CRPF and other para-military forces who carried out the raids were on their own, unaccompanied by the local police. The Divisional Commissioner of Srinagar later told protesters that he had no knowledge of the raids and searches.

On January 20, a group of protesters who gathered outside the Divisional Commissioner’s office, to protest against the atrocities of the para-military forces, were