

INCIDENTS OF GENOCIDE IN INDIA

Dr. A. Krishna Kumari

Introduction:

From the day of Independence, India is facing the mass killings in one form or the other. The communal riots of Indian Muslims and Hindus had started much before Independence. The Partition is the biggest mistake, which the then leadership made. Thousands of lives were lost in the partition. The Bombay blasts, Godhra incident, the mass killings of Sikhs after the assassination of the then Prime Minister, the never ending Kashmir issue etc., are some of the incidents of genocide in Independent India which boasts the there is unity in diversity. This article throws some light on this aspect.

The Partition: 1947

After sparing the British for more than two centuries – Indians started various movements against British by the end of 19th Century. The policies of the movements widely differed in their demands. Indian National Congress (INC) demanded British to quit the country, while Muslim League demanded to divide and quit. After sixty years of independence now we cannot hold any single party responsible for the division. All the three parties, British, Muslim League and Congress were equally responsible for the division of the country and the aftermath, which had taken its toll on both sides. There was also an ideological divide between the Muslims and the Hindus of India. While there were strong feelings of nationalism in India, by the late 19th century there were also communal conflicts and movements in the country that were based on religious communities rather than class or regional ones.¹

The result is division of the country. On 14th August in the year 1947 the new Islamic Republic of Pakistan had come into existence. After two

hundred years of colonial rule, the British, known for divide and rule policy left India dividing the great nation into two. The countries were found on the basis of religion, Pakistan openly declaring itself to be an Islamic State and India proclaiming itself as secular. The boundaries are set up which did in no way stop the conflict between the two countries and a continuing strife still continues.

The Aftermath of Partition:

This left both the countries devastated. Communal riots took thousands of lives of Hindus and Muslims. Women were the worst hit. The houses were looted. Girls and women were raped brutally. Trains full of dead bodies arrived in both the newly formed countries from across the borders. 15 million refugees poured across the borders to regions completely foreign to them, for though they were Hindu or Muslim, their identity had been embedded in the regions where their ancestors were from.² The provinces of Punjab and Bengal were the hell on earth where number of deaths took place and the lives of Hindus, Muslims and Sikhs were lost alike. Even after 60 years in both the countries many still search their identities and their kith and kin on both sides. As far as Pakistan is concerned it faced another separation in the year 1971- in the name of Bangladesh. As far as India and Pakistan are concerned they never could make up their strained relations. Still both the countries are deadlocked over the issue of possession of Kashmir. Kashmir has been, is and will be a problem to both countries.

Partitions are always a bitter experience. Not only do they leave bitter memories on the collective consciousness; they also leave legacies of unresolved boundary disputes. India and Pakistan have been going to war till date on the slightest pretext from either side.

The Razakar Movement:

Even in India except two States in the newly formed India all the other States accepted to be part of India. The first State which posed problem to the newly formed Union Government was the State of Hyderabad, which had more Hindu population (93%) than the Muslim population but ruled by the Nizam, who was a Muslim and the other State was Jammu and Kashmir where the King professed Hinduism but most of the inhabitants were Muslims.

Till Independence the Nizam enjoyed the power. Independence is jolt from the blue to him. He wanted to be independent and he chose Dominion Status to the State of Hyderabad. He requested British Commonwealth to this extend and when failed made pleas to the Union Government of India and as well as to the Pakistan that he would send representative to the respective assemblies but would not become part of either country. He issued a firman stating that till United Nations would take up the issue he wanted to maintain status quo. But, the Government of India refused his plea on the ground that this is domestic issue and international organizations and laws would no way concerned with the issue.

The Nizam had faced problems with the Hindus in the State also. Along with the patriotic Muslims, they started "Join India" Movement. As the State Congress under the leadership of Swami Ramananda Tirtha supported this movement, the Nizam had banned the Party in his State. Desperate Nizam took the help of Khasim Razvi of the Ittehadul Muslimeen and its troopers to oppress his opponents. This had resulted in Communists helping the villagers by constitution of village squads to help the villagers who vehemently fought against the Nizam Police and Razakars.

Unable to withstand the pressures from all the sides Nizam finally signed “Stand Still Agreement” in November 1947 with Government of India so for one year to maintain the status quo. In spite of the agreement the Nizam smuggled weapons into the State. The Indian Army, led by Major-General J.N.Chaudhuri entered the State from five directions and the military action was a brilliant success. On 18th September 1948, Nizam's forces surrendered to the Indian army and Mir Laik Ali, the Prime Minister of the Nizam, and Khasim Razvi were arrested. ³ But, neither of the incidents was without the loss of life. During the two-year-period of the Razakar movement, many families suffered injustice in the hands of Muslims who wanted their own state and desperately used any means to rid of Hindus.⁴ A series of mayhem and riots took thousands of lives of Hindus. The Islamization entailed Hindus being forced to convert or leave the state. The Nizam wanted to completely remove Hindu culture and language from his state. Incidents of terrorism against non-Muslim Indians included their agenda and the Razakars were the chief opponents of the Indian Army during Operation Polo, which would eventually include Hyderabad into the Nation of India.

Kashmir:

With Kashmir the problem was completely different. Though, practically the King accepted to be part of Indian Territory- Article 370 ⁵of Indian Constitution made it a different entity. No law, which has been legislated in India after independence, would apply to Jammu and Kashmir. The State enjoyed a different kind of privilege.

The year 1988 is the beginning of the unrest in the valley of Kashmir. It is not that till then Government of India did not face any problems with this State. In the years 1947 and 1965 Pakistan made its advances into the Indian Territory. But, at that time it received no support from the

inhabitants of the Valley. Somehow, over the years, extremists made an easy way into the Indian Territory- this time not restraining themselves only to the Kashmir Valley but also to the entire country. In the 60s when the Government tried to impose Hindi on southern States, Tamil Nadu contemplated secession. When in the 70s emergency is imposed under the leadership of Jaya Prakash Narain (JP- as he was fondly called by his followers) the States of Bihar and Gujarat erupted in a social movement. Later Punjab followed the suit and wanted secession and wanted to form a new country in the name of Khalistan. With the North –East also Government of India faced this kind of a problem.

It is not that there were no ethnic identity problems in the Valley. But they are brought to the forefront for political ends by some unscrupulous elements. Murders, kidnappings and riots had become part of the life for the population in the Valley irrespective of their religions.

All this is because of ethnic conflict which is about the terms on which a group seeks to redefine its own territorial boundaries at the expense of the larger territorial unit of which it has till then formed a part. What we need to recognize is that internal minorities within the group that demands a 'state of its own', as well as other ethnic groups within the territory, are also parties to the conflict inasmuch as their interests are affected both by the conflict and by the outcome.⁶

As far as the political power is concerned the Muslim community in Kashmir was granted control over power in the State. Articles 29 and 30 of the Indian Constitution⁷ envisage that the educational and cultural rights of minorities should be safeguarded. Several programmes of land reforms ushered an epoch of equality. Poverty figures in the state are extremely low compared to Bihar, Uttar Pradesh, and Orissa.⁸ In spite of these efforts one should admit

that since 1988 Kashmir is reckoned by violence. Other than the riots of both the religions, the confrontation between militants and security led to imposition of draconian laws and thousands of death. Civil liberties have no meaning in the Valley.

The State of Jammu and Kashmir had come into existence in the year 1846. British East India Company sold it to Gulab Singh, who showed religious discrimination by exploiting them economically, levying heavy taxes and refusing political rights. Muslims took advantage of the bias. In 1947 the British government enacted the Indian Independence Act and set the stage for the transfer of power to India and the partition of the country. As the State is geo strategically significant for both India and Pakistan the struggle started for overpowering it. Pakistan claimed J and K because an overwhelming majority of the population in the valley was Muslim. On the other hand, for India the incorporation of J and K into the Union was crucial, because this would both validate its declared policy of secularism and invalidate the two-nation theory, which had led to partition. As far as India is considered, the Sikhs, the Hindus, and the Buddhists in Jammu and Ladakh would oppose accession to Pakistan. However, Pak occupied part of the Kashmir and declared it to be Azaad Kashmir while Indian Government call it as PoK (Pakistan Occupied Kashmir) However, the then Governor General Lord Mountbatten stipulated that State's accession should be settled by reference to the people. Now, the Raja of Kashmir had no option but to annex his State in India. The contest in the contest in Kashmir is not just between India and Pakistan, there is an important third party to the conflict: the large number of discontented people in the state.

400,000 Kashmiri Pandits, constituting 99% of the total population of Hindus living in Muslim majority area of the Kashmir Valley, were forcibly pushed

out of the Valley by Muslim terrorists, trained in Pakistan, since the end of 1989. They have been forced to live the life of exiles in their own country, outside their homeland, by unleashing a systematic campaign of terror, murder, loot and arson.

Geneva Convention is not at all respected in the Valley. There are umpteen numbers of human rights violation cases recorded. Muslims killing Kashmiri Pundits is one aspect. But the Indian Security Forces have scant regard for humanitarian law. They do not stick to the norms laid down by the Geneva Convention in dealing with the prisoners of war. Only in Doda in the year 1994 two hundred women were raped. Rape continues to be a major instrument of Indian repression against the Kashmiri people while the majority of casualties in Kashmir are civilians.⁹

Indian Government does not permit even International Federation of Human Rights and Amnesty International in the territory. Press when make a secret entry are attacked and arrested. Villages are razed to the grounds. The mandate of the International Humanitarian law is disregarded. The TADA (Terrorist and Disruptive Activities Act) is the most powerful weapon in the hands of the Indian Security Forces, which allows the authorities to round up and detain the suspects for one year even without formal charges being framed, without any due process of law and without any trial. Neither the Criminal Procedure Code nor the Article 9 of the International Covenant on Civil and Political Rights allow such a disregard for human rights.¹⁰

The Jammu and Kashmir Public Safety Act allows the Indian security forces in Kashmir to detain civilians for up to one year without trial or due process for even for exercising freedom of speech. Even if one's child is murdered by the security forces, the aggrieved parents cannot spell it out. In case they do so they can be hauled up on the pretext of endangering public safety. Also

under this act an individual who published pamphlets that support implementation of the United Nations' resolution in favor of a plebiscite in Kashmir can also be arrested and detained without formal charge or due process.¹¹ The National Security Act and the Armed Forces Special Powers Act (Jammu and Kashmir) also violate Articles 9 and 14 of the Covenant as well as international law standards of protecting speech, press and information, association, and democracy. The Armed Forces Special Powers Act is a violation of the Geneva Convention of 1949 that requires penal sanctions for its violators, and that does not allow any party to absolve itself of liability for any violation whatsoever.¹²

According to the Kashmiri-Canadian Council, 47,455 Kashmiris have died since October 1989. "The [Indian] government's disregard for human rights in Jammu and Kashmir means in practice that some 200 people reportedly died in custody in Jammu and Kashmir last year and that the whereabouts of some 500 to 600 "disappeared " persons continue to be unknown. The arbitrary arrests of people suspected to sympathize with armed opposition groups also continue to be reported."¹³

Under the Jammu and Kashmir Disturbed Areas Act, and the Armed Forces (Jammu and Kashmir) Special Powers Act, both passed in July 1990, security forces personnel have extraordinary powers, including authority to shoot suspected lawbreakers and those disturbing the peace, and to destroy structures suspected of harboring militants or arms."¹⁴ Till date 6,300 Kashmiri women have been raped. Since 1990, 700 to 800 people are "disappeared" after the arrested by police or paramilitary forces. The victims have included boys and men of all ages and all professions. They are ordinary citizens picked up at random, without any connection to the armed struggle."¹⁵

Amnesty International expressed its anguish by a press report dated in 2001.¹⁶ This is the legacy of Independent India. On the other hand Kashmiri Pundits have paid a heavy price for their nonviolent and tolerant behavior. The sad part is that the Kashmir issue gets so wrapped up in global concerns on one side and obfuscated by massive state-sponsored propaganda on the other that so few people know about the tragic state of Kashmiri Pundits.¹⁷ Islamic Militants killed more than 1,000 of them in two years. They are living in makeshift refugee camps in North India. A total of 72,077, representing nearly 98 percent of the Pundit population, were driven out of Kashmir due to ethnic cleansing. 9,309 homes have been burned down along with 1,659 small businesses.¹⁸

Even today, a decade later, nearly 50,000 Kashmiri Hindu families are living in refugee camps. The total number of Kashmiri Pundit refugees totals 360,385, and the number is comparable to the number of Kosovars who were driven out by Serbs, yet no one seems to care about the fate of Kashmiri Pundits.¹⁹

The Khalistan Movement:

In India nearly 16 million Sikhs live. The Punjab, which we see, now has shrunk in size since independence. 66% of the State is lost to Pakistan at the time of partition. Punjab has strategic significance since the region borders Pakistan and Kashmir. In 1966 once again the borders are redefined with the Punjab State Reorganization Bill. The southern, Hindi-speaking districts formed the State of Haryana; the northern, Hindi-speaking hill districts merged with Himachal Pradesh; and the remaining Punjabi-speaking areas formed the new state of Punjab.

Sikhs differ in religion, but not in language, from other ethnic groups in northern India. It was the language issue that most endangered Indian unity

at the time of independence. To resolve the linguistic issue, all major regional languages were granted status in India's constitution. A massive reorganization of states in the 1950s-60s aligned territorial boundaries with linguistic ones. Punjabi, Sindhi, and Urdu were the only three major languages not considered for statehood in this reorganization. This omission spurred the Akali Dal's first major agitational movement, which began in August 1950.²⁰

The Sikhs changed from a religious congregation in the sixteenth century, to an ethnic community in the eighteenth century, to a nation in the late twentieth century. Even in the 1960s.²¹ The Akalis fought for a culturally congruent region, extending their claim to Statehood in the 80s. Akalis mobilized the peasants of Punjab for autonomy. They came out with a slogan that Sikhs are a separate nation. Akalis submitted a list of forty-five demands to the Central Government, which were later reduced to fifteen after negotiations. The Congress Party took steps to foment disunity among Sikhs and took punitive and repressive measures against movement leaders. The key such instance was the attack on the Golden Temple in 1984. This strike was seen by Sikhs in Punjab and elsewhere as sacrilegious and as an attack on their community's dignity and integrity. It shifted many Sikhs' loyalty toward Punjab and strengthened Sikhs' feelings of collective identity and fate.²²

Bhindranwale was the main organizer of a terrorist campaign that caused the random killing of several hundred Hindus. In the year 1983, the Akalis attacked a bus carrying Hindu passengers. Indian government had no option but to dissolve the Punjab legislative assembly and imposed President's Rule. Bhindranwale set up his office in the Golden Temple of Amritsir. On 4 June 1984, in Operation Blue Star, 2,000 army troops moved in an estimated 5,000 civilians, including Bhindranwale, and 700 officers were killed. The army

attacked forty other gurudwaras where Sikh activists in the attack religious manuscripts and other sacred things were destroyed. This had a very bad affect even on the Sikh intelligentsia who resigned their military jobs and Parliament memberships.

Operation Wood Rose of Indian Government arrested thousands of Sikhs, without any regard for the rule of law; thousands were detained without trial and without basic evidence. At that time there was no respect for human rights. Martial Law was imposed. Freedom of Speech and Expression were curtailed by imposing constraints on the press. Military occupied the Golden Temple.

Anti-Sikh Riots:

Soon the agitated Sikhs took their revenge. The Security Guards of the Prime Minister who were Sikhs by religion assassinated her on 31 October 1984. Following her assassination millions of Sikhs were massacred, looted and their women were raped by Mrs. Gandhi's activists and sympathizers. In the year 1998 on behalf of the Congress Party, the daughter in law of Mrs. Indira Gandhi apologized to the Sikh community.

Gujarat Violence:

It all started with the Godhra incident. The town witnesses the worst communal violence in 2002. Fire was set on a train by some miscreants and 58 karsevaks who were traveling in the train died. It incited the India's enduring Hindu vs. Muslims sectarian tensions.

According to the Government statistics 790 Muslims and 254 Hindus died involving reciprocal violence between Hindus and Muslims. 223 persons were missing and 2548 persons were injured. 919 were widowed and 606 children became orphans. Human Right Groups completely differ with the statistics.

According to them the deaths were more than 2000 and most of them were Muslims. Millions were displaced from their homeland.

Several international news media agencies, governments, non-governmental organizations and human rights advocacy groups such as [Human Rights Watch](#) and [Amnesty International](#) have reported on the riots. Some of them have referred to the incidents as a "massacre". They have also been critical of the Gujarat government's responses, to the point of alleging their [complicity](#) in the riots. Organizations such as [Human Rights Watch](#) further criticize the Indian government for failure to address the resulting humanitarian condition of people, "overwhelming majority of them Muslim", who fled their homes for relief camps in the aftermath of the event. In turn, some have accused these news media agencies, non-governmental organizations and human rights advocacy groups of [media bias](#) and bias against [Hindus](#).

Conclusion: Without any exception starting from the day of Independence till the Godhra Incident – the human right violations and genocide have been the result of communal violence in India. However, loudly we may boast that we are united in diversity; we should once again review the situation and put an end to the human agony whether it is in Kashmir or in Gujarat or in Hyderabad. Human life is more valuable than any religion, community or sect. As human beings we should have respect for human life and should strive to put an end to human killings.

¹ www.english.emory.edu/Bahri/Part.html

² Ibid

³ www.telangana.com/History/razakar.htm

⁴ nhs.needham.k12.ma.us/cur/wwII/05/baker05/baker-nsp-p5-05/India_Independence.html

⁵ Art.370: Constitution of India: **Temporary provisions with respect to the State of Jammu and Kashmir.**—(1) Notwithstanding anything in this Constitution,—

(a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir;

(b) the power of Parliament to make laws for the said State shall be limited to—

(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the

Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(ii) Such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

Explanation.— For the purposes of this article, the Government of the State means the person for the time being recognized by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948;

(c) the provisions of article 1 and of this article shall apply in relation to that State;

(d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify:

Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State:

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

⁶ Kashmir: Roots of Conflict: Paths to Peace, Delhi: Vistaar Publications, 2003

⁷ Art. 29: **Protection of interests of minorities.**—(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Art. 30. Right of minorities to establish and administer educational institutions. — (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

⁸ Planning Commission, *State Development Report: Jammu and Kashmir*, New Delhi: Government of India, 2003, p.43

⁹ <http://archive.peacemagazine.org/v18n1p18.htm>

¹⁰ Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.

-
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
 5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation

¹¹ www.peacemagazine.org/archive/v18n1p18.htm

¹² Ibid

¹³ <http://www.yespakistan.com/kashmir/humanrightsviolationsinkashmir.asp>

¹⁴ Ibid

¹⁵ Amnesty International press release, February 22, 1999.

¹⁶ An excerpt from the Amnesty International report: "India: the impunity must end in Jammu and Kashmir," 23/04/2001:

- On 27 March 1996, the dead body of human rights lawyer Jalil Andrabi was found in the river Jhelum, 19 days after he had been seen taken away by military personnel. (1) His killers remain free.
- On 30 March 1996, 23 members of the faction of the Jammu and Kashmir Liberation Front led by Amanullah Khan were killed when police fired mortar shells at their office in Srinagar. (2) Their killers remain free.
- On 18 September 1997, 11 people, including women and children, were killed by mortar shelling at Arin Bandipora. The killers remain free.
- In January 1998, nine people, including a woman and child, were killed in Kadrana village, Doda district, when army soldiers opened fire on people protesting an earlier arrest. The killers are free.
- In July 1998, 40 people, including women and children were killed in and near Surankote. The killers remain free.
- On 28 June 1999, fifteen members of two Muslim families, including women and children, were shot dead at Surankote, Poonch district, by unidentified gunmen wearing army uniforms who shot two more women as they fled. The killers remain free.
- On 20 March 2000, 36 Sikhs were shot dead in Chittisinghpora; on 25 March 2000, five men were unlawfully killed who were implicated in the earlier killings. On 3 April 2000, seven people demonstrating against the earlier two incidents were shot dead by police. The killers of these 48 people remain free.
- On the night of 1 August 2000, at least 105 people were shot dead in several different incidents. The killers remain free.
- On 15 February 2001, six people were shot dead in Haigam during protests at an earlier death in custody when security forces and/or police opened fire on them. The killers remain free.

¹⁷ http://www.uscirf.gov/events/hearings/2000/september/panel1/SubPanelB/09182000_Sazawal_oral.html

¹⁸ Ibid

¹⁹ Ibid

²⁰ <http://www.yale.edu/macmillan/globalization/punjab.pdf>

²¹ Ibid

²² Ibid