

REPORT ON KASHMIR SITUATION BY

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People's Union for Civil Liberties
Citizens For Democracy
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Manav Ekta Abhiyan

REPORT ON KASHMIR

FOREWORD

Since this report was prepared, some salutary changes have been noticed in the Government's policy towards Kashmir. The almost continuous curfew which was imposed in Srinagar is being lifted, attempts are being made to ensure the supply of medicines and essential commodities, and there is a promise of restoration of normalcy in the valley.

The "tough" policy hitherto followed by Mr. Jagmohan in the valley has, on the whole, been counter-productive. The extreme hardship caused to the people by the continuous curfew, by the shortage of food and other necessities, by the stoppage of normal avocations, and by the frequent atrocities committed by some of the security forces against entirely innocent persons, had the result of converting the pre-existing alienation of the people into bitterness and hatred against the Government. The people have been virtually driven into the arms of the militants thereby increasing the latter's numbers and strength. Militancy in the valley is far greater today than when Mr. Jagmohan took over the governorship of Jammu & Kashmir.

Human Rights organisations have always been opposed to militancy and terrorism. Nobody can tolerate the killing of innocent persons by the militants in Kashmir. But while dealing firmly with militancy, the Government must always be human and considerate towards the people and must follow a policy which will win them away from the extremist elements. The lawlessness of the extremists cannot be eliminated, at least in a democratic society, by Government which itself becomes lawless.

One sees the hand of Mr. George Fernandes, the Minister for Kashmir, in the recent salutary changes in Government policy. If his hands are strengthened, the Kashmir problem will become less intractable than it is.

NEW DELHI

V.M. TARKUNDE

DATE: 25.4.1990

REPORT ON KASHMIR

The People's Union for Civil Liberties (PUCL), the Citizens For Democracy, the Radical Humanist Association and the Manav Ekta Abhiyan had appointed a joint team to visit Kashmir and make a first-hand assessment of the situation there. The team comprised of S/Shri V.M. Tarkunde, Rajinder Sachhar, Amrik Singh, Balraj Puri, Inder Mohan, Ranjan Dwivedi, N.D. Pancholi and T.S. Ahuja. The first visit was from 9th to 13th March and the second from 28th March to 3rd April, 1990. Both Srinagar and Jammu were visited as also a few outlying towns.

Our team members were able to meet cross sections of people in large numbers wherever we went.

The team members covered certain areas together and also in groups of two and three according to their arrivals in Jammu, Srinagar and Anantnag.

Groups of individuals from all walks of life such as lawyers, businessmen, retired officers, government employees, journalists, intellectuals and other well known citizens met us on their own initiative. Simultaneously, we visited quite a number of areas with their co-operation. The places where we went included Gow Kadal, Zakura, Sonawar, Pir Bagh, Nadargunj, Chhanpura, Basant Bagh, Chhota Bazar, Zaina Kadal, Zero Bridge Mosque, Raj Bagh Mosque, Betamalu, Khrew, Bones and Joints Hospital at Burzula, S.M.H.S. Hospital, Institute of Medical Sciences and Saura, also Shah Hamdam Mosque and Id-Ghah. Everywhere large crowd awaited us varying between 350 to 5000 in numbers. They included women, adults and youth. We were also able to visit homes of Kashmiri Pandits and a few sikh families who had decided to stay on in the valley. One third of non-muslim population is still in Srinagar. Shri Balraj Puri and Shri Inder Mohan met Shri Jagmohan, Governor of Jammu and Kashmir. Other team members met CRPF chief of the valley. The team members had requested the offices of the Advisers to the Governor for arranging a meeting of the team members with the said advisers but there was no response inspite of repeated reminders.

COMMUNAL ALLEGATIONS

Though there were no overt threats held out to the minorities from local Muslims, it is likely they are apprehensive of developing that in the valley.

Mr. N.D. Pancholi, who had on his own initiative met some individuals, could find no trace of the communal antagonism between Muslims and Hindus. A Hindu businessman was staying in the same hotel where we had stayed. Being a dealer in wheat, he told Mr. Pancholi on 29th March, 1990 that he was from Jandiala, Amritsar and that he had been there for more than 10 days from 19th March, 1990 onwards. He had come to realise his payments from the local dealers. He was unable to do so because of continuing curfew and closure of banks. His business colleagues at Srinagar were sorry for not being able to clear his dues and they were all very friendly. Similarly, several other non-muslims who met Mr. Pancholi told him that there was no communal animosity among the muslims. The militants chose to kill irrespective of community (in fact, more muslims have been killed than Hindus). S. Rajinder Singh, a taxi-driver from Jammu said that Kashmiri Muslims were friendly and posed no danger to him or other members of his community anywhere. At Khanka Maulla located in old city of Srinagar, we visited a few Hindu family homes and a temple. Team members met half a dozen representatives of Hindu Community and others living there with the majority of muslim population. They also confirmed that there was no communal hostility. We saw a beautiful temple which had following words written on its inner gate in Hindi :—

"NAMAHI SHIVAIH SARVA SHAKTIMAN. NAMAMI RAM

SARVA LOK NATH JAGANNATH SHAHBADI KI BHAINT"

The temple priest Shri Mantu Das, told us that all Hindus in the locality were receiving full co-operation from the local muslims. Because of curfew and blockade of Jammu-Srinagar Road, the local muslims shared their rations and other items of day-to-day requirements with them. Although our Hotel proprietor was a muslim he had employed a hindu named Gautam of 22 years age hailing from Darjeeling. Gautam felt absolutely safe. In the words of Mr. Pancholi, Pt. Jagan Nath, a Kashmiri Pandit a resident of Srinagar had met two of us in Delhi on 25-3-90. Pt. Jagan Nath told us that there was communal harmony in the valley and those who were coming out had either over-reacted to the situation or because of certain other reasons which could be winter, curfew and also closure of all institutes like banks, schools, post-offices etc. The muslims of Kashmir genuinely wanted Kashmiri Pandits to return to the valley. Not a single case of looting or arson of non-muslims property had taken place. Regarding himself, Pt. Jagannath said that he would be returning to the valley in the second week of April, 90.

One of us however met a number of Non-Muslim business-men at Delhi who had come from Srinagar and who complained that they had to close their shop and had come away. Some doctors also said to have come away. This matter needs further investigation.

Rajinder Singh, the taxi driver told the members of the team that certain interested elements were propagating that all those non-muslims who migrated to Jammu or else-where would be provided with free plots, cash and other facilities. There was a deliberate attempt to communalise the situation by setting up relief camps outside the valley. According to Rajinder Singh when thousands of sikhs were massacred in Delhi in November 1984 and hundreds of muslims were killed due to communal riots in U.P. and Bihar, no relief camps were ever established in areas outside their towns, where they had been living. While there is not a single case of communal rioting in the valley, how come that the Governor, Mr. Jagmohan has preferred to set-up relief camps at a distance of 300 miles in Jammu!

The members of the team were also told of the grievance that while the non-muslim those who were in relief camps, were getting their salaries but muslim employees who were in the valley and could not attend their duties because of curfew were not receiving any payment. Similarly, the Governor has preferred to pay compensation to families of non muslims victims who were considered to be informers, but so far not a single penny had been paid to many more such muslims-families of the victims.

On 29th March, 1990 Mr. Pancholi himself heard on the Srinagar T.V. (which is relayed from Jammu) that curfew in Srinagar was relaxed only between 5-00 to 9-00 a.m. but on the same evening, he heard from the National Programme News relayed from New Delhi that curfew was also relaxed in Srinagar between 6-00 and 10-00 p.m. which was wholly incorrect. Similarly, the local people maintained that news relayed regarding killing of terrorists by the para-military forces were either false or distorted. In events of indiscriminate firings by para-military forces, when a pregnant woman, her 8 year old son, and the driver of the three-wheeler in which they were travelling on the morning of 29th March, 90 during curfew relaxation, were killed, they were deliberately combined with the news of terrorists being killed without mentioning the death of woman and her son etc. on the T.V. That is how Indian media has lost its credibility.

One thing about which the local people are particularly sore is the permission granted to non-muslims employees to leave duty and draw their minimum salary even when they are not on duty.

The exodus of non-muslims is widely regretted by the common man in Kashmir. But there have been some unexplained killings both of muslims and non-muslims. This coupled with the overall atmosphere of violence and insecurity has led to the exodus of large number of people and intensified the atmosphere of insecurity.

Another significant demand which came from one and all was that they wanted Kashmiri Pandit families to return to their homes. "We are all Kashmiris and we can guarantee better security to them than all the so-called security forces they maintain. The Kashmiri muslim's contention is that their brethren Kashmiri Pandits are being evacuated under a conspiracy to communalise the situation in the valley in particular and outside too. According to them Jagmohan Administration was creating panic among Pandits that there was going to be a massive house hunting in coming operations of Pro-pak militants, that Security forces will have to shoot down offenders and in such a melee it will be impossible to distinguish between Pandits and Muslims. For all this the people blame RSS, Vishwa Hindu Parishad (VHP) and BJP. It is necessary to mention that whenever local papers appear, there is always an appeal on behalf of the Muj-ahideen, Particularly in Urdu press, on the front page, requesting the Kashmiri Pandits to return to their valley. In this appeal the muslims are warned against occupying, tampering with or selling of any movable or immovable property belonging to Kashmiri Pandits. So far the local Muslims have lived upto what they say in this regard, and in quite a few cases, the keys of the houses belonging to Kashmiri Pandits are also left with them (The Muslim-neighbours).

There are authentic reports from Jammu region as well that the local people i.e. Dogras are getting restive by the presence of Kashmiri Pandits among them for such a long time. They resented fomentation of communal riots in Jammu city and blame the administration for not controlling the same in time, particularly, when the Governor himself was there. Large sections of Jammu Hindus feel that Kashmiri Pandits can continue to live in the valley peacefully provided the Government wants it. The Jammu Hindus feel hurt by the escalating prices of essential items and also of land and property by the arrival of Kashmiri Pandits in the city. Another factor to be taken into account is that of such news that there has been no repression in the valley or that steps taken by the Governor's administration are showing positive results are doctored news and cannot be taken even with a pinch of salt. All claims made by the Governor during his visits to Delhi and broadcast by the media to the effect that he is handling the difficult situation with utmost "love and compassion" are far from truth.

ATROCITIES BY THE SECURITY FORCES

A large number of excesses were brought to our notice. Some of them are heart-rending.

In Anantnag which was visited by one member of the team, it was alleged that an injured person was brought to the door-step of the doctor for medical attention. Neither was the injured person allowed to enter the clinic nor was the doctor allowed to come out to attend to him with the result that he died.

On 29.3.90 at about 8.30 A.M. (at a time when curfew was not in force) security forces fired without any provocation upon a three-wheeler and a Matador van. This led to several deaths including that of a pregnant woman and her eight year old son. We visited the injured husband in the hospital and got the full story from him.

On 31.3.90, a group of children in the age group 11-12 assembled at the house of a teacher to have tuition from him in Vicharnag locality of Srinagar. The teacher was non-Muslim and all students except one were also non-muslims. There was an incident in the vicinity and the CRPF men burst into a house. The CRPF men asked the identity of the pupils with their names. Only the Muslim-boy was shot and killed.

Again on 1.4.90 after a CRPF Jawan of 77 Battalion was killed, some of them sought revenge on uninvolved persons far away from where the incident had occurred. At 7.30 AM on 1.4.90 (when curfew had been relaxed) a CRP ambulance fired in the locality of Navpura injuring five persons including two women. Subsequently one woman died. The other persons were three boys aged 15 to 17. The persons who tried to take injured to the hospital were beaten and arrested. One of them

Mr. Latif Ahmad showed us the marks of beating all over his body, which he had received for helping the injured. We reached the scene of incident within three hours of its happening. We also found a 25 year old Fida Hussain with a bullet in his thigh but afraid to go to the hospital on account of being arrested or killed by the army. We ourselves took him to the hospital where we saw many people lying with bullet injuries.

On the same day when we were returning from Navpura to go to other area of incident we were stopped on the way in Gojwara Tulwara Mohalla where barely 15 minutes before the jawans of the 77 Battalion had gone berserk, entered various houses and had beaten and manhandled the local people. We saw several persons lying in the houses with fresh injuries and were told that besides beating them, their cash was also looted by the security forces. The 69th Battalion attached to that area did not even know what was happening. However, it did interfere later and prevented further violence on the local people.

The reports of such incidents were pouring in and we were asked to visit several places in order to see the continuous rampage going on. But due to paucity of time it was not possible for us to visit each and every place.

We met several injured persons in the hospitals. Gulam Kadar from Brij Behera, a 20 year old person, while he was closing his shop during curfew relaxation at 8.30 AM on 24.3.90 was fired upon by the security forces injuring his right hand. Shri Bashir Ahmad, from the same place, a gardener in the state govt. garden department was shot on 26.2.90 at the main market. Nazir Ahmad was lying with an amputated leg from bullet injuries. He a student of 9th class class, was going to join a peaceful procession to be held at Charani Sharif, about 35 KM from Pampur in a truck with 40 persons on 22.2.90. There was no curfew at that time. He told that he alongwith others was asked to get down by the security forces on the way, and despite "our pleas of being innocent, we were fired upon." Three persons, Farukh Ahmad (driver), Manjur Ahmad and Gulam Mustafa died on the spot. Five boys were injured.

Mr. Shahzada Mehmood from Saharanpur and working as a hawker in Gurwari Mohalla, Srinagar nearly for the last 15 years told us that he was shot at 9.30 p.m. in the waist by the CRPF without any provocation or warning.

Two victims of Anantnag were lying injured in the emergency ward. We also saw victims of mini bus shooting. Shri Shakil Ahmad, a second year student of S.P. college had bullet injury in his thigh.

In fact the hospitals were full of the injured persons and we were pressed by numerous relatives and friends of the said injured ones to come to the relevant bed and listen to the story of horror perpetrated by the security forces on them. However, we were told that neither any compensation was provided to any of the victims of the firing by the para-military forces nor the government had taken any care to investigate such incidents and reasons for such injuries. Nor any compensation was given to the families of those Muslims who were killed in firing by the security forces.

When some of these incidents were brought to the notice of senior officers, in certain cases they were acknowledged and in several other cases they did not even know. There appears to be no system whereby individuals who suffer can lodge complaints and seek redress.

Instances regarding molestation of women in Chhanpura were brought to the notice of the team members Mr. Balraj Puri and Inder Mohan who were taken to the house where two young girls were said to have been raped by the security forces. This was confirmed by the victimized girls themselves. The team members Mr. Balraj Puri and Inder Mohan were moved by the feelings of the family members and neighbours who were showing full respect and consideration to the girls.

It is not possible to list all the cases which were brought to our notice. But the broad pattern is clear. The militants stage stray incidents and the security forces retaliate. In this process large numbers of innocent people get manhandled, beaten up, molested and killed. In some cases the victims were caught in cross-fire and in many more cases they were totally uninvolved and there was no crossfiring. This tends to alienate people further. The muslims allege that they are being killed and destroyed because they are muslims.

Everywhere the people gave heart-rending accounts of how security forces were gunning down the innocent Muslims of the valley. During the seven or eight days the curfew had been relaxed, the unprecedented huge processions- peaceful and disciplined, were blocked by para-military forces at particular points by putting heavy vehicles on both ends. They resorted to merciless firings at random and killed many innocent persons. These accounts were given to us by the participants in all such localities where processions had been taken out and were brutally attacked by the security forces.

UNPARALLELED CURFEW

For more than three and half months now, except for a break for few days, the Srinagar city and other major towns have been under curfew by and large. It used to be relaxed at very odd hours i.e. between 5 to 8 or 9 in the morning. Since 7th April to 19th April, 90 there was practically no relaxation at all. Result is that the civil life is totally disrupted. Shops hardly open, banks, schools, courts etc. remain closed and no mail is delivered, nor are the government treasuries functioning. Traders cannot transport the essential commodities and medical drugs due to curfew. The people in the valley neither have the cash nor the opportunity to be able to purchase anything. Mobility of people in the valley is almost at a standstill. Even during the curfew relaxation period for few hours since 20th April, 90, the vehicles are not permitted on the road. The people are not allowed even to carry their sick brethren to the hospitals in most of the cases. Wherever we went, slogans used to be raised :— "We want anti-people curfew raj to be ended. What to say our day-to-day necessities of life, we cannot purchase even white shroud for our dead victims." We did not find any government machinery involved in the supply of medicines or essential commodities to the people to mitigate the rigours of curfew. In fact we found many persons reluctant to come out of their houses during curfew relaxation hours as they feared unprovoked firing on unarmed people by the security forces. People in the valley say: "There is more terrorism in Punjab than in Kashmir and a large number of people are killed there in comparison to Kashmir, yet the government do not impose such a continuous curfew there ! But the government is imposing this continuous curfew here because they want to punish the entire population and wishes to starve them."

Mr. Jagmohan in his Press Conference on 2nd April, is reported to have said that the present continuous curfew is imposed in order to provide safety to the people from the militants. Nothing can be further from the truth. Rightly or wrongly, the militants have become heroes of the Kashmiri Muslims and the people have no reason to be afraid of them. The continuous curfew has been imposed in order to prevent the people from coming together for organising peaceful processions and demonstrations, and also to tame them by reducing them to starvation level. The people bitterly resent the curfew and look upon it as a method of keeping them in virtual house-arrest.

Without meaning any disrespect to Jagmohan it is a fact (which he too must realise) that today he is the most despised person in the valley. All the journalists, eminent or otherwise, who have been showering high praises upon Jagmohan for his well "deserved popularity" in the valley are totally cutoff from reality.

TOTAL ALIENATION

Mr. Jagmohan, Governor of Jammu and Kashmir, in the Press Conference at New Delhi on 2nd April, 1990 is reported to have asserted that the story of the alienation of the Kashmir valley

people is "not correct" and that the people are 'terrified', presumably by the militants. This indicates that he is either out of touch with the Kashmir valley, which is hardly possible, or that he does not want the Indian people to know the truth. The fact is that the entire Muslim population of the Kashmir valley is wholly alienated from India and due to highly repressive policy pursued by the administration in recent months, especially since the advent of Shri Jagmohan in January 1990, their alienation has now turned into bitterness and anger. It would be very difficult to find in the majority community of the Kashmir valley anyone who does not passionately desire complete independence from India. Even local J & K police and the local administration stand completely alienated from the para-military forces on the one hand and the Government of Jagmohan on the other. The local government servants talked harshly about India having 'enslaved' Kashmir.

"We want freedom", "we want independence for ourselves", we will never accept domination from Pakistan or India"—These slogans raised by women, youth and men conveyed their message loudly and clearly. Though deafening slogans were dinned into our ears where-ever we went, yet we did not hear a single pro-Pakistani slogan. The reasons given for this alienation are : "India has not fulfilled its promises given to Kashmiri people—has not honoured its commitment regarding UN resolution of 1948 by which it had agreed to the right of the Kashmiri people for 'plebiscite'. 'Why did Nehru agree to all this ?" they ask. "Indian governments had always rigged elections in Kashmir except in 1977 and had imposed pliable Chief Ministers of Jammu & Kashmir", and as to how the Indian army has become the "army of occupation" and has been committing inhuman atrocities on the common people. Regarding the large amount of subsidies given to the Kashmir by the Central Government, they (the people) told us that large sums of Indian money and subsidies were cornered by corrupt administration planted over them. They further add, "Why does India spend crores and crores of rupees on the defence and subsidies ? Indian government should rather divert this money to mitigate poverty and starvation prevailing in various parts of India like Bihar, UP and Madhya Pradesh."

As regarding dissolution of State Assembly, the people are not only indifferent but react with derision even at its mention. For them the assembly was a fraud played on them.

Jammu and Kashmir Liberation Front, one of the leading organisations who have been spearheading the people's movement in the valley stands for independent Kashmir. It wants non-muslim people of the State to join hands in the struggle for independence of the State as a whole unit (with Pakistan occupied Kashmir included): Other leading group is Hizbul Muzahideen. It is reported that this organisation wants Kashmir to be merged with Pakistan. There are several other groups also. All these groups are now united in their fight against Indian government, and do not wish to discuss the question as to what would happen, if Kashmir secedes from India i.e. whether it would be an independent Kashmir or it would merge in Pakistan. However, majority of the people desire neither India nor Pakistan.

MILITANTS' VIOLENCE AND HUMAN RIGHTS

The human rights organisations represented through our team maintain that the cruelty and violence on the part of the militants in the valley must be condemned by one and all. The kidnappings and killings of innocent persons like Prof. Mushirul Haque, Vice-Chancellor of the Kashmir University, his secretary Mr. Abdul Ghani, and Shri H.L. Khera, General Manager, H.M.T. must be denounced by all. The militants by their violent activities are not only depriving the innocent persons of their civil liberties but also harming the cause of freedom and democracy in the valley. In fact the militants are strengthening the repressive machinery of the state by their activities and are providing a semblance of justification to the government to assume more and more arbitrary powers. Ultimately the peaceful democratic people's movement alone can emerge victorious. When pointed out by some of our members that by and large all the people's movements in Soviet Republics, including Lithuania and in other Eastern European countries

including Romania (where the previous government unleashed most barbaric repression) have been peaceful and non-violent and that could be considered as one major factor for their success, the people in the valley listened to this observation carefully. But they say that the government was not allowing peaceful processions and demonstrations and therefore the militants were gaining respectability in the eyes of the common people. They criticised violence on the part of the state which they said must come to an end to bring about non-violence. However, in our opinion there is no justification for the militants to take the law into their own hands and we condemn all such attempts.

While we strongly condemn the murders of innocent persons, both of Hindus and Muslims, committed by the militants, we are entirely against any policy of combating private terrorism by recourse to State terrorism. Such a policy is both undemocratic as well as counter-productive. It results in alienating the entire people from the Government and in adding to the number of militants. In opposing private terrorism, the State must always act within the law. It has ample powers to combat terrorism without transgressing the law.

CONCLUSIONS

1. One of the main causes for the extreme bitterness of the Kashmir valley people against India is the almost continuous curfew which has been imposed in cities like Srinagar for the last 3 1/2 months. Because of the curfew the people are not able to follow their normal occupations, are deprived of essential supplies and are virtually subjected to house arrest. In order to establish normalcy in the Kashmir valley and reduce the bitterness of the people, the curfew should be lifted in quick stages, so that within a few days there will be no curfew at all. After the curfew is removed, there should be no objection to people taking out processions and making demonstrations, but the government should inform the people that no violence by anybody in processions or demonstrations would be tolerated.
2. The excesses committed by para-military forces—the CRPF and the BSF (i.e. the Central Reserve Police Force and Border Security Force)—are the other major source of popular discontent and bitterness. The highest officers of these forces should be called upon to take strict measures for the punishment of the para-military personnel who kill or attack innocent persons or commit robbery or rape. The personnel should also be instructed that they should behave politely with the people when they enter their houses during the search.
3. Due to the complete closure of Jammu-Srinagar road for a fortnight in March and also due to almost continuous curfew in cities like Srinagar, there is an acute shortage of essential commodities and medicines in the valley. Special efforts should be made to ensure that adequate supplies of the essential commodities and medicines are made available to the people.
4. The free flow of correct news within the Kashmir State and outside should be guaranteed. Mr. Jagmohan's recent action banning certain local newspapers in the valley is harmful, as it leads to the spread of wild rumours. Attempts to put ugly realities under the carpet or to thwart and distort news have always been and will continue to be counter-productive.
5. It is necessary to replace the present repressive policy by a policy of reconciliation with the people of the valley. At present there is hardly any contact between the people of the valley on the one hand and the Government of Jagmohan and the Heads of the para-military forces on the other. It appears that there is no intelligence machinery which would enable the Governor or the heads of the C.R.P.F. and the B.S.F. to know what is happening in the valley, what excesses are committed by the paramilitary personnel and what the grievance of the people are. As a part of the new policy of reconciliation, an attempt should be made to approach responsible elements in Srinagar and other towns to form committees for the removal of the people's grievances. These

committees should be encouraged to convey to the Governor the grievances of the people and to heads of the para-military forces the excesses committed by the police personnel.

6. The families of Hindus as well as Muslims which have left Kashmir because of the uncertain conditions in the valley and for other reasons should be encouraged to go back to the valley as soon as possible.

7. As soon as normalcy is established and a liaison is created between the people on one hand and the Governor and the heads of the paramilitary forces on the other, it should be announced that the people of the State of Jammu & Kashmir will be able to form their own government through a free and fair election in accordance with the Constitution of the State. The Govt. of India should guarantee that, unlike in the past, future elections will be entirely free from coercion and other undemocratic practices. Non-governmental organisations in India will also co-operate in the effort to see that the elections in Jammu and Kashmir, if they take place, will be entirely free and fair. The Government of India should announce in advance that the newly elected assembly of Jammu and Kashmir will act under the Constitution of that State and that it will have the rights guaranteed by Article 370 of the Indian Constitution.

Signed by :

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