



HUMAN RIGHTS: TERRORISM AND COUNTER TERRORISM

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ABSTRACT:

Terrorism in Punjab resulted in the killing of thousands of innocent people. It fractured the social fabric and blunted the sensibilities of the people. These developments made democratic institutions and processes, political parties, and moderate leadership irrelevant. The agenda for politics was dictated by hardliners within Sikh politics and the repressive state apparatus. Thus, it had become a great challenge for democracy in Punjab. An attempt has been made in this paper to analyse the violation of human rights of the people of Punjab by terrorism and counter terrorism. This paper is divided into five parts. Both primary and secondary sources have been used in this paper. Both published and unpublished sources have been used. The methodology and approaches used in this paper has a holistic dimension by taking in view the various aspects of Punjab politics.

KEYWORDS:

TERRORISM, RIGHTS, SIKH, KHALISTAN, STATE, MILITANT, POLICE, PUNJAB

INTRODUCTION

Human rights are considered as the greatest idea of this generation and a milestone in the development of the individual rights. India won freedom on 15th August 1947 from British imperialism. The constitution of free India which was framed by a Constituent Assembly came into force on 26th January 1950. It begins with a preamble which declares India as a democratic, republic, secular, socialist and welfare state. It also provides justice, liberty, equality and fraternity to all citizens of India. Besides, fundamental rights are given to the Indian citizens for their development. These fundamental rights ensure the liberty of the individual by putting restrictions on the arbitrariness on the government. The jurisdiction of legislature, executive and judiciary has been clearly defined by the constitution. Our judiciary works as a guardian and protector of the rights of the people. However, in practice there were some constraints which prompted India to maintain a low profile on the question of human rights. Terrorism has been one of the biggest reasons behind it. The present paper relates with problem of terrorism and counter terrorism in Punjab. Punjab has been affected from terrorism more than a decade in which human rights violation at large scale was made not only by the terrorists but by the state also on the name of counter terrorism.

HUMAN RIGHTS: DEVELOPMENT OF CONCEPT

As a matter of fact the concept of human rights has to be traced from the concept of natural rights that had developed in the 17th and 18th centuries. But there are significant differences among the political thinkers on this topic. According to Hobbes, the natural rights did not exist in the state of nature as the life was nasty, brutish and short in it. Therefore, the state had to be created through a

social contract by the people for safeguarding their natural rights and absolute sovereignty was given to state. John Locke was the first political thinker who supported the natural rights of man when man was living in the state of nature before the existing of the state. John Locke observed that people had enjoyed three types of rights: right to life, right to freedom and right to property. He was of the view that the state was created on the condition that the ruler will protect the human rights and he could be thrown out if he failed to do so. Rousseau was of the view that the life was ideal in the state of nature and people enjoyed complete equality and freedom. It was the creation of the state that led to the end of these natural rights. He gave the concepts of Popular Sovereignty and General Will for restoring the natural rights. But, Bentham argued that the rights can be guaranteed only by the state, therefore he rejected the concept of natural rights. J. S. Mill is known as an ardent champion of the individual liberty. T. H. Green observed that human consciousness postulates liberty, liberty involves rights and rights demand the state. Marxists and Socialists also stood for the human rights. However, they emphasized on economic equality instead of political equality and economic rights rather than political rights. Thus, human rights issue has been the central concern of political thinkers of different ideologies. But the concept of human rights could achieve a universal acceptance and sanction of international organization and governments of various states mainly after the Universal Declaration of Human Rights by United Nations in 1948. This declaration laid down two sets of human rights—Civil and Political Rights and Economic, Social and Cultural Rights.¹

TERRORISM: RESPONSIBLE CAUSES

It is most accepted phenomenon that the causes for the

emergence of any terrorist campaign are generally traced in certain socio-economic and political contexts in any society. Punjab cannot also be an exception of it. The emergence and eruption of terrorism in Punjab in 1980s was a multifaceted development.

Religion and politics is considered as inseparable in Punjab politics. That is why a miniscule group of Sikh terrorists unleashed a highly violent terrorist movement in the name of survival of the *Panth*. The establishment of a sovereign Sikh state of *Khalistan* was their aim. It is not out of place to mention here that the then central Congress leadership also used the policy of divide and rule for pushing the Akalis to corner which encouraged the terrorism.³

It is also pertinent to mention here that most of the terrorists, who took to armed resistance, had been those who were pushed to the brink by the circumstances created by the state. State tyranny has been a big factor in accentuating the crisis in Punjab.⁴ Joyce Pettigrew, a British social anthropologist who made an in depth study of terrorism in Punjab and interviewed a number of terrorists observed: "All guerrillas mention that it was the behaviour of the security forces towards them and their families that drew them into the struggle".

RISE AND DEVELOPMENT OF TERRORISM IN PUNJAB

The story of terrorism in Punjab started on *Baisakhi* day, April 13, 1978 after a clash between the Nirankari and the supporters of *Akhanda Kirtani Jatha*.⁵ The increasing number of incidents of violent, acts of sabotage and killings by the motorcycle burn militants formed the back drop for start by the cult of Bhindrawale and the emergence of various other militant groups in Punjab in 1980-81.⁶ This situation made the central government to rider Army action on June 4, 1984 for controlling the situation. Cutt off Punjab from the rest of the country on June 3, 1984 and made the movement of the people throughout the state, impossible by deploying troops everywhere. The supply of water and electricity to the Golden Temple complex was also stopped on the same day. It opened exploratory fire on June 4, 1984. Commanders' strategy and C.S. gas on June 5, 1984, however, proved ineffective. Therefore, the Tanks were used against the militants who had taken position in the *Akal Takht* on June 6, 1984. The Army action in the Golden Temple complex was over on the same day. A large number of pilgrims, including women and children, died in cross firing. Sant Bhindrawale also died in this action.⁷

According to the white paper issued by the government, 4,712 persons were killed and 10,000 arrested during the 'Operation Blue Star'. The entire Sikh community considered the assault on the Golden Temple an attack on the Sikh religion. The Prime Minister, Indira Gandhi fell to bullets of her own Sikh security guards on October 31, 1984. As if the assassination of Mrs. Gandhi was not tragic enough, it was followed by anti-Sikh riots on Delhi, Kanpur and some other parts of the country in which a large number of Sikhs were brutally killed. Many of them were

burnt alive and their property worth crores of rupees destroyed. In Delhi alone over 3,000 Sikhs were burnt alive in the most gruesome manner with the Delhi police playing the role of a passive spectator.⁸

An Air India jumbo jet, Kanishka was exploded during the flight from New York to London over the Atlantic near Ireland in 1986 as a result of sabotage by them. An Indian Airlines plane was hijacked from Chandigarh in the same year. The retired Chief of the Army Staff, General A. S. Vaidya, was shot dead in Poona on August 10, 1986. The situation in Punjab also took a turn for the worse with the militants, once again riding high. All these killed in the Operation Blue Star in the state or in "police encounters" were projected as martyrs and Heroes in the Sikh tradition. The terrorist incidents, however, to began to decline after the imposition of the President's rule in 1987.⁹

The number of the terrorist incidents went up to 2,116 in 1990 and the number of persons killed in these incidents increased to 2,467 and the number of policemen killed went up to 493- and increase of more than three times from the previous year. The terrorists were specially targeted police officers and government officials, including the judicial officers. School teachers were also targeted for the first time. There was also an increase in the use of explosives. Improvised Explosive Devices (IEDs) were used in 149 terrorist incidents in 1990. There were 34 cases damaging of the railway track in 1990.¹⁰ Altogether 2,841 persons were killed during 1990. There was considerable intensification of attacks against security personnel including S.P.O.s and Home Guards.¹¹ The army was also made target of their attacks. There was a massive inflow of AK-47s and other sophisticated weapons from Pakistan. The bulk of the Punjab terrorists belong the younger age group between late-teens and mid-twenties. The majority of them had the rural background. A large number of the terrorists were from Jat Sikh families. It may be mentioned here that the Jat Sikh youth had been benefited neither by the Green Revolution nor by industrialization. The average youth, a product of an educational system, got frustrated and angry due to unemployment. Taking to terrorist has become very attractive for him in more ways than one. It not only ensured quick money through looting and extortion but also increased their self esteem as declared that they were serving the Sikh cause.¹²

COUNTER TERRORISM

For more than a decade, Punjab has been a sordid tale of detention without trial, brutal torture, ruthless killings, fake encounters and disappearances, murky details of which had later on come out.¹³ A vicious cycle of violence and vengeance was set in motion by the arbitrary and iniquitous steps taken by the government. Police killing sparked off retaliatory killings against them and provoked the desperate rashness of the youth. People in the Punjab countryside became sore about police atrocities and murders of scores of young men, identified as well as unidentified, in police encounters.¹⁴

Getting aside of the know and documented violations of human rights, involving torture and murder of innocent people, extortions by the so-called terrorists and state terrorism let loose by the police administration.¹⁵ Jaswant Singh Khalra, a human rights activist, had brought up the matter of disposal 25,000 “unclaimed” dead bodies in the cremation grounds of Taran Taran and Amritsar. Khalra had stated that when confronted, A.S. Sandhu, the then S.S.P. of Taran Taran, had reportedly replied: “you are talking of 25,000 dead bodies, what difference it would make if the number rises 25.001”? Khalra’s body also joined with the 25,000.¹⁶

Thus, the situation was, one could walk in, but could not walk out. People at large experienced:¹⁷

1. Unlawful lifting of young men from their houses without warrants, having no recourse to the court of law;
2. Fourth degree in human torture of the innocent, and unlawful disposal of their bodies in case they die, or become human vegetable;
3. Calculated and also random elimination of individuals through false encounters;
4. Cremation of thousands of young men after their death through torture as unidentified;
5. Extortion of money from innocent families etc. The irony the fate is that all these was done and allowed to be done in the name of controlling terrorism.

The irony the fate is that all this was done and allowed to be done in the name of controlling terrorism. As a consequence, the people suffered an unprecedented onslaught on their right to live, free of fear, under equally bad terrorism let loose by the individual groups and state agencies. Often people were wondering as to who promotes terrorism, state or the individuals.¹⁸

CONCLUSIONS

Thus, Punjab has experienced one of the most lethal terrorist violence in the world which has left not only thousands of innocent people killed, injured and uprooted but has also left its scars on the 5,00 years old harmonious relationship that existed between the two predominant sections of Punjab society, the Hindus and the Sikhs during the militancy period. Innocent people were suffered from both side—terrorists and state terror. A vicious cycle of violence and vengeance was set in motion by the arbitrary and iniquitous step taken by the government. The human rights violation in Punjab was made at large scale during the terrorism period.

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