

Violent Deaths and Enforced Disappearances During the
Counterinsurgency in Punjab, India
A Preliminary Quantitative Analysis

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Preface

Having been involved for a few decades in documenting human rights violations committed by Indian state agencies in Punjab, I recognize that the insufficiency of attention towards the quantitative issues of the data has seriously affected the quality of discourse on abuses of power, their significance for the rule of law, and the challenges of meaningful reforms.

In confrontation with lethal abuse of authority by state agencies, human rights activists tended to downplay the significance of quantitative issues. Human rights organizations were unable to reach out to every reported incident of abuse and, often, could not verify the sources of reports and their reliability. So they consoled themselves with the thought that “what matters is understanding the nature of individual abuses and the demonstrable evidence to establish its truth. It does not really matter, from the normative standards of respect for human rights, whether or not the quantitative patterns are captured and conveyed.” This preference for the qualitative over quantitative approach concealed a “Platonic” conviction (or, a bias), which presupposed commitment of the state to the principles of human rights enshrined in the Constitution, at least in theory. It failed to recognize that the state could make normative professions that it may, for political reasons and in an exceptionalist mentality, consciously infringe. In speaking law to power, human rights defenders and advocates forgot that until the society at large is able to identify, classify, and quantify the wrongs perpetrated with impunity, then accountability, reparations, and reforms will not follow.

From this perspective, it is important for human rights research, documentation, and advocacy to integrate both the qualitative and quantitative approaches. The classical case-level analysis approach used by most human rights groups is useful in shedding light on the details of specific cases, as well as the range of lethal abuses committed, the affiliations and roles of perpetrators, classes of victims targeted, and responses of state institutions. However, exclusive reliance on legal qualitative case-level analysis fails to capture the broader context, magnitude, and pattern of human rights violations associated with such violence.

Capturing numerical repetitions of the ontological truth of abuse of power establishes its quantity, relations, and space in society, existentially implicating all people. With the methodological reliability of the compilation and analysis of events data, it becomes easier for all involved, irrespective of political dispositions, to see how they become socially responsible when the rule of law is suspended.

For being a step in this direction, this study is seminal.

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Contents

1	Executive Summary	6
2	Introduction	8
3	Background	10
3.1	Historical Context	10
3.2	The Body Count: A Scoring System	13
4	Motivation for this Quantitative Analysis	14
4.1	Enforced Disappearances, Extrajudicial Executions, and “Illegal Cremations”: Modalities of State Violence in Punjab	15
4.1.1	Enforced Disappearances	15
4.1.2	Fake Encounters	16
4.1.3	“Illegal Cremations”	17
4.2	The Data	18
4.2.1	Official Administrative Records of Mass Cremations	18
4.2.2	Information Collected by the National Human Rights Commission of India	19
4.2.3	Information Collected by the Committee for Coordination on Disappearances in Punjab	20
4.2.4	Information Collected by the People’s Commission on Human Rights Violations in Punjab	20
4.2.5	Newspaper Articles from the <i>Tribune</i>	21
4.3	Limitations of the Available Data	21
5	Observed Patterns in Reported Lethal Violence in Punjab	23
5.1	Patterns of Reported Lethal Violence Over Time	24

5.1.1	The Nature of Lethal Violence Reported in the <i>Tribune</i> Across Time	27
5.1.2	Patterns of Reported Enforced Disappearances, Extrajudicial Executions, and “Illegal Cremations” Across Time and Space	30
6	The Nature of Reported Lethal Violence in Punjab	34
6.1	Encounter Killings: Deaths of Security Forces vs. Deaths of Alleged Militants	34
6.2	Individual vs. Multiple Victims	34
6.3	Lethal Human Rights Violations Reported to the CCDP	36
7	The Demographic Profile of Victims of Lethal Violence and “Illegal Cremations”	38
8	Conclusions	40
9	Future Research Directions	42
10	About the Authors	43
11	Acknowledgments	44
A	Methods Appendix	45
A.1	Data Standardization	45
A.1.1	Standardization of Date Information	45
A.1.2	Standardization of Place Information	45
A.2	Spatial Representation of Data using Maps	45
A.3	Deduplication of Data Sources	47
B	Corrections to the Printed Version of this Report	48

1 Executive Summary

This report analyzes reported fatal violence across Punjab during a period of conflict from 1984 to 1995. This preliminary, descriptive statistical analysis by Ensaaf and the Human Rights Data Analysis Group (HRDAG) at Benetech uses systematic and verifiable quantitative research to interrogate the Indian government’s portrayal of the Punjab counterinsurgency as a successful campaign with isolated human rights violations. Our empirical findings indicate that the intensification of coordinated counterinsurgency operations in the early 1990s was accompanied by a shift in state violence from targeted enforced disappearances and extrajudicial executions to large-scale and systematic lethal human rights violations, accompanied by mass “illegal cremations.”

As part of government counterinsurgency operations from 1984 to 1995, Indian security forces disappeared and extrajudicially executed Sikh militants as well as individuals who had no known connection to the militancy. Special counterinsurgency laws facilitated human rights violations and shielded perpetrators from accountability. The government of India dismisses claims that enforced disappearances and extrajudicial executions were widespread and systematic, asserting instead that human rights violations were unavoidable “aberrations” in the war on terrorism. A former Director General of Punjab Police has repeatedly claimed that he led the “most humane counterinsurgency operation in the annals of history.”

To date, this report is the most comprehensive quantitative analysis of available data on human rights violations during the Punjab counterinsurgency. This analysis brings together six data sets comprising more than 21,000 records. The report draws on documentation from the National Human Rights Commission of India (NHRC) and its sub-commissions, the People’s Commission on Human Rights Violations in Punjab (PCHR), and the Committee for Coordination on Disappearances in Punjab (CCDP). The authors further examined reports

from the *Tribune* newspaper in Punjab from 1988 to 1995, and recovered logbooks from six municipal cremation grounds. This documentation collectively identifies and documents 2,059 “illegal cremations” acknowledged by the NHRC, approximately 2,196 victims of reported enforced disappearances and extrajudicial executions documented by CCDP and PCHR, 17,582 victims of lethal violence reported by the *Tribune*, and 1,484 records from the municipal cremation grounds.

Human rights groups have collected extensive qualitative evidence that provide detailed descriptions and analyses of the type and range of abuses committed by Indian security forces and the corresponding impunity that persists in Punjab. Until now, however, human rights groups have lacked the capacity to conduct quantitative research to record the level of human casualties and enforced disappearances from the Punjab counterinsurgency period.

By using quantitative methods, this report demonstrates the implausibility of lethal human rights violations being “random” or “minor aberrations” as claimed by Indian officials. Specifically, the report notes that:

- The available data sources, each collected through substantially different social, political, and legal processes, are generally consistent in noting that enforced disappearances and extrajudicial executions in Punjab were overwhelmingly concentrated in the early 1990s when the government intensified its counterinsurgency operations against alleged Sikh militants. The strong correlation between reported lethal human rights violations and overall reported lethal violence across time is inconsistent with official claims that human rights violations were random or minor aberrations.
- The data collected by the local *Tribune* newspaper and the CCDP show that reported

enforced disappearances, extrajudicial executions, and encounter killings shifted from being almost exclusively concentrated in Amritsar district to being dispersed throughout almost all districts of the state of Punjab after 1992. This dispersal suggests that human rights violations were not random acts of violence but rather part of a specific plan or set of widespread practices used by security forces during the counterinsurgency.

- The information reported by the *Tribune* shows that few security officers were reported to have been killed during “encounters” and that instead these incidents, on average, involved a lone killing of an alleged “militant” or a “civilian,” consistent with qualitative findings that reported encounters were often faked. The observed correlation between reported lethal human rights violations and reported militant encounter deaths is also consistent with the phenomena of “fake encounters.”
- As state violence increased substantially after the beginning of Operation Rakshak II in November 1991, notably fewer bodies of the disappeared and extrajudicially executed were recovered by the next of kin compared with the period prior to 1991. In the period after 1991, the NHRC data also acknowledges a notable increase in mass “illegal cremations.” This correlation suggests that these two phenomena are driven by a shift in state violence towards large-scale lethal human rights violations coupled with mass cremations.
- The strong, positive correlation between the reported acts of lethal violence and “illegal cremations” acknowledged by the NHRC is inconsistent with official claims that these reported disappeared persons are not dead but instead immigrated abroad.
- Age-sex data on reported victims of enforced disappearances, collected by the PCHR, CCDP, and NHRC, are consistent with the hypothesis that these violations were overwhelmingly targeted against young Sikh males be-

tween the ages of 18 and 45 whom security forces alleged were members of the militant movement.

Future analyses, which draw on multiple data sources and inferential statistical methods, will allow clarification of the total magnitude and patterns of violence throughout Punjab, broadening the discussion about the impact of counterinsurgency strategies on human rights. Scientifically-defensible analysis of political violence can help enable honest dialogue to improve public understanding of the counterinsurgency in Punjab. By triangulating independent data sources and employing reproducible scientific methods, questions about the magnitude, pattern, and responsibility associated with lethal violations connected to the Punjab counterinsurgency can be engaged transparently. The answers to these questions will ultimately strengthen truth, justice, and institutional reform processes.