

## 2 Introduction

Darshan Singh from Sabhra village in Amritsar district was a 28 year-old farmer with a young family. On September 9, 1990 he visited his in-laws in Saidon village. The next day, Darshan Singh was shot dead, declared a militant, and cremated as “unidentified” in the local municipal cremation ground by the Patti station police.<sup>1</sup> When Darshan Singh’s family learned of his death and inquired about him at the Patti police station,

The government of India has claimed that human rights violations were unavoidable “aberrations” in the war on terrorism.

the Station House Officer refused to allow the family to view the body or to attend the cremation, which was conducted in secret. Today, a legal case proceeding before India’s National Human Rights Commission (NHRC) has forced the government of India to acknowledge that the Punjab Police “illegally cremated” Darshan Singh. The government recorded his cremation under serial number “83/246,” only

because standard administrative procedure required them to account for the cost of the necessary firewood.<sup>2</sup> Had his body been returned to the family, disposed of differently, cremated in a different crematorium, or cremated in the same pyre as another “unidentified” body, his extrajudicial execution and his “illegal cremation” would have been ignored by the official investigative processes.<sup>3</sup> No official or unofficial process has determined the full spectrum of rights violations suffered by Darshan Singh or identified the perpetrators.<sup>4</sup>

As part of their counterinsurgency operations between 1984 and 1995, Indian security forces disappeared and extrajudicially executed Sikh militants, those suspected of being part of the Sikh militant movement, and individuals who had no known connection to the militancy, like Darshan Singh.<sup>5</sup> Special counterinsurgency laws further facilitated human rights violations and shielded perpetrators from accountability.<sup>6</sup> The government of India has dismissed claims by human rights groups that the use

<sup>1</sup>Ram Narayan Kumar, Amrik Singh, Ashok Agrawal, and Jaskaran Kaur, *Reduced to Ashes: The Insurgency and Human Rights in Punjab* (Kathmandu: South Asia Forum for Human Rights, 2003), p. 243.

<sup>2</sup>Ibid.

<sup>3</sup>Darshan Singh’s family was unable to pursue any remedies for his death. The Indian National Human Rights Commission, which is currently considering the “illegal cremation” of 2,059 individuals between 1984 and 1994, including the cremation of Darshan Singh, has limited its review to three cremation grounds in Amritsar district, then one of 13 districts in Punjab. NHRC order dated January 13, 1999, Reference Case No. 1/97/NHRC.

<sup>4</sup>Kumar, et al., *Reduced to Ashes*, p. 243. The NHRC has determined that it is “not necessary to identify officer or officers responsible” for the cremations. NHRC Order dated August 18, 2000, Reference Case No 1/97/NHRC. Copy on file with Ensaaf.

<sup>5</sup>Human Rights Watch/Asia and Physicians for Human Rights, *Dead Silence: Legacy of Abuses in Punjab* (New York: Human Rights Watch, 1994), p. 1; US State Department, Bureau of Democracy, Human Rights, and Labor, “Country Reports on Human Rights Practices-2007: India,” March 11, 2008, <http://www.state.gov/g/drl/rls/hrrpt/2007/100614.htm> (accessed December 11, 2008), (noting that little progress has been made in holding “hundreds of police and security officials accountable for many enforced disappearances committed during the Punjab counterinsurgency and the Delhi anti-Sikh riots of 1984–94”); Human Rights Watch and Ensaaf, *Protecting the Killers: A Policy of Impunity in Punjab, India*. (New York: Human Rights Watch, 2007), p. 1.

<sup>6</sup>US State Department, Bureau of Democracy, Human Rights and Labor, “Country Reports on Human Rights Practices - 1990: India,” p. 1437; US State Department, Bureau of Democracy, Human Rights and Labor, “Country Reports on Human Rights Practices - 1992: India,” p. 1133; Human Rights Watch and Ensaaf, *Protecting the Killers*, pp. 12–13.

<sup>7</sup>See Section 4.1.1 for an explanation of enforced disappearances in the Punjab context.

<sup>8</sup>Extrajudicial executions refer to deaths at the hands of state agents without due process of law. “Such executions shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity or by a person acting at the instigation, or with the consent or acquiescence of such person, and situations in which deaths occur in custody.” Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted May 24, 1989, E.S.C. res 1989/65, annex, 1989

of enforced disappearances<sup>7</sup> and extrajudicial executions<sup>8</sup> were widespread, claiming instead that human rights violations were unavoidable “aberrations” in the war on terrorism.<sup>9</sup> A former Director General of Police for Punjab has repeatedly asserted that he led the “most humane counterinsurgency operation in the annals of history.”<sup>10</sup>

Human rights groups have collected extensive qualitative evidence and provided detailed analyses of the type and range of abuses committed by Indian security forces and the “impunity gap” that persists in Punjab.<sup>11</sup> Alleged enforced disappearances, extrajudicial executions, and “illegal cremations” were documented in official cremation ground and municipal committee records, judicial and quasi-judicial proceedings, newspaper accounts, and human rights investigation reports. This documentation refutes official assertions that security practices ended the “war on terrorism” with only minor or random human rights violations. However, the documentation presents a larger epistemological challenge in which the *documented* enforced disappearances, extrajudicial executions, and “illegal cremations” are only a subset of *all* lethal human rights violations. The observable subset may not be representative of all enforced disappearances, extrajudicial executions, and “illegal cremations.” Until now, human rights groups have lacked the capacity to conduct systematic and quantitative research to record the level of human casualties and enforced disappearances throughout Punjab during the counterinsurgency period.

This report presents a preliminary, descriptive statistical analysis of reported fatal violence across Punjab during the period of conflict from 1984 to 1995. This analysis draws on documentation from the National Human Rights Commission (NHRC) and its subcommissions, the People’s Commission on Human Rights Violations in Punjab (PCHR), the

Committee for Coordination on Disappearances in Punjab (CCDP), the *Tribune* newspaper 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, 1,484 records from the Kharla Cremations Grounds, approximately 2,196 victims of reported enforced disappearances and extrajudicial executions documented by CCDP and PCHR, and 17,582 victims of lethal violence reported by the English-language media.

The statistical analysis collates the available data on enforced disappearances, extrajudicial executions, encounter killings, and “illegal cremations,” which have been documented by different segments of civil society and government processes, totaling six datasets of more than 21,000 records. This analysis represents the first stage in systematically bringing together these related datasets, and assessing the Indian government’s explanations for human rights violations in light of the empirical findings.

The observed patterns in the available data challenge the government’s explanations of human rights violations. The data on lethal violence are consistently correlated across time and space, demonstrating the implausibility of lethal human rights violations being random or minor aberrations. Instead, the available data suggest that these lethal violations and “illegal cremations” were driven by the same underlying practices. Further, observed patterns of deaths of security officers relative to those of alleged militants suggest that encounters reported in the media were staged or fake encounters. These empirical findings further support existing qualitative findings that as coordinated counterinsurgency operations intensified in the early 1990s, state violence shifted in its nature from targeted enforced disappearances and extrajudicial executions to large-

U.N. ESCOR Supp. (No. 1) at 52, UN Doc. E/1989/89 (1989), principle 1.

<sup>9</sup>“India not to submit to terrorism: Manmohan,” Press Trust of India, *Tribune* (Chandigarh), February 4, 1994, p. 1.

<sup>10</sup>Geoff Parrish, “India—Who Killed the Sikhs?” Dateline, SBS Australia, April 3, 2002, [http://news.sbs.com.au/dateline/india\\_who\\_killed\\_the\\_sikhs\\_130052](http://news.sbs.com.au/dateline/india_who_killed_the_sikhs_130052) (accessed January 18, 2009);

Praveen Swami, “Bad apples are everywhere” *Frontline*, November 18, 1994, p. 40.

<sup>11</sup>Human Rights Watch and Ensaaf, *Protecting the Killers*, p. 1.

scale lethal human rights violations, coupled with mass cremations. This preliminary statistical analysis, therefore, supports existing qualitative findings and challenges the dominant narrative that human rights violations were isolated incidents during a successful counterinsurgency campaign by the state.

Additional data and analysis are required to make inferential claims about the actual scale of en-

forced disappearances, extrajudicial executions, encounter killings, or “illegal cremations” in Punjab. In the conclusion to this report we suggest directions for further analysis which could clarify the total magnitude and pattern of enforced disappearances, extrajudicial executions, and “illegal cremations” in Punjab by applying inferential demographic and statistical techniques to the available data.

## 3 Background

### 3.1 Historical Context

Of the more than 20 million Sikhs worldwide, the majority live in the state of Punjab, comprising over 60 percent of the state’s population of 24.4 million.<sup>12</sup> Since India’s independence in 1947, Sikh leaders have challenged the central government, demanding greater autonomy for Punjab, water rights, local control over agricultural production and prices, and official recognition of the Punjabi language, among other concerns.<sup>13</sup> Tensions escalated throughout the 1970s and early 1980s, culminating in a planned Sikh demonstration in late May 1984 intended to block the transport of grains, water, and power supplies from Punjab. Prime Minister Indira Gandhi responded on June 3, 1984 by authorizing an army attack on the center of Sikh religious and political life, Harmandir Sahib (colloquially known as the Golden Temple), as well as gurdwaras<sup>14</sup> throughout Punjab to apprehend Sikh dissidents and mili-

tants. Gandhi deployed over 100,000 Indian Army troops across Punjab to conduct the attack, code-named Operation Bluestar, during one of the most celebrated religious holidays in the Sikh calendar, the martyrdom anniversary of the fifth Sikh Guru.<sup>15</sup> The troops stationed outside the Harmandir Sahib complex prevented thousands of civilians who had gathered for the religious celebrations from escaping the violent exchanges between militants inside the temple complex and the Indian Army forces. The attack continued for four days. Citing eyewitness accounts, human rights groups have estimated, using non-scientific means, that 7,000 to 8,000 people lost their lives.<sup>16</sup>

On October 31, 1984, Indira Gandhi was assassinated by two Sikh security guards in retaliation for her authorization of Operation Bluestar. After the assassination, senior politicians from the ruling Congress Party and police officers orchestrated pogroms of Sikhs in various cities across India,

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<sup>12</sup>Office of the Registrar General, India, “The First Report on Religion: Census of India,” 2001, <http://www.censusindia.net/religiondata/Summary%20Sikhs.pdf> (accessed December 7, 2008).

<sup>13</sup>Khushwant Singh, *A History of the Sikhs, Vol. 2* (New Delhi: Oxford University Press, 1999), pp. 293–318, and pp. 401–402; K.S. Dhillon, “A Decade of Violence, 1983–1992,” in J.S. Grewal, et al., ed., *Punjab in Prosperity and Violence* (New Delhi: K.K. Publishers, 1998), pp. 110–111.

<sup>14</sup>A Gurdwara is a Sikh house of worship.

<sup>15</sup>Ram Narayan Kumar, *Terror in Punjab: Narratives, Knowledge and Truth* (New Delhi: Shipra, 2007), p. 116.

<sup>16</sup>Amiya Rao, Arobindo Ghose, Sunil Bhattacharya, Tejinder Ahuja and N.D. Pancholi, “Operation Blue Star: The Untold Story”, 1984, <http://www.gurmat.info/sms/smspublications/%27operation%20Bluestar%27%20The%20untold%20story.pdf> (accessed January 15, 2009), pp. 15–16; The official government report on the incident describes 493 “terrorists” killed, and does not refer to the estimated thousands of civilians trapped and killed inside the Harmandir Sahib complex. Government of India, *White Paper on the Punjab Agitation* (New Delhi: Government of India, 1984), p. 169.

killing at least 2,733 Sikhs in Delhi alone.<sup>17</sup> Gangs of assailants burned Sikhs alive, gang-raped Sikh women, and destroyed gurdwaras and other Sikh-owned properties, among other crimes.<sup>18</sup> None of the senior security officers or politicians identified by eyewitnesses as organizers of the violence have been held responsible.<sup>19</sup>

Spurred on by the intensification of violence against the Sikh community in 1984, Sikh militants, fighting for an independent nation of Khalistan, engaged in increasingly violent acts, including bombings, murder, torture, and extortion.<sup>20</sup> From May 1987 until February 1992, the Indian government dismissed the elected government in Punjab and imposed direct governance by the center.<sup>21</sup> Political commentators observed that militant violence was at its peak between 1989 and 1992, and especially pervasive in the three districts bordering Pakistan: Amritsar, Gur-

daspur, and Ferozepore.<sup>22</sup> By 1993, according to qualitative historical accounts, the movement had dissipated into isolated militant groups.<sup>23</sup> Although scholars debate the reasons for the “return to normalcy” in Punjab,<sup>24</sup> the mainstream Indian media attributed the victory to the policies and tactics of former Director General of Punjab Police K.P.S. Gill.<sup>25</sup>

Human rights groups documented that security forces engaged in torture, extrajudicial executions, and enforced disappearances as part of their counterinsurgency operations.

Human rights groups and media reports, however, have documented that security forces engaged in torture, extrajudicial executions, and enforced disappearances as part of their counterinsurgency

<sup>17</sup>An official government inquiry established that 2,733 Sikhs were murdered in Delhi. R.K. Ahooja, “Ahojja Report”, 1987, <http://www.carnage84.com/official/ahooja/ahooja.htm> (accessed January 11, 2009).

<sup>18</sup>For a detailed analysis of the November 1984 pogroms, based on witness, survivor and government submissions to government commissions, see Jaskaran Kaur, *Twenty Years of Impunity: The November 1984 Pogroms of Sikhs in India* (Portland: Ensaaf, 2006), 2nd ed.

<sup>19</sup>Ibid.

<sup>20</sup>Ramachandra Guha, *India After Gandhi* (New Delhi: Picador, 2006), pp. 557–562.

<sup>21</sup>US State Department, Bureau of Democracy, Human Rights, and Labor, “Country Reports on Human Rights Practices - 1992: India,” p. 1133.

<sup>22</sup>Gurharpal Singh, *Ethnic Conflict in Punjab: A Case Study of Punjab* (Houndmills: Palgrave, 2000), p. 165; K.V. Lakshmana, “A new offensive,” *Frontline*, April 14–27, 1990, p. 12.

<sup>23</sup>Singh, *Ethnic Conflict in Punjab*, p. 165.

<sup>24</sup>Some scholars have suggested that political and internal organizational developments had a greater impact on the end of Punjab militancy than security operations. Joyce Pettigrew, *The Sikhs of the Punjab: Unheard Voices of State and Guerrilla Violence* (London: Zed Books Ltd., 1995), p. 191; K.S. Dhillon, “A Decade of Violence, 1983–1992,” in J.S. Grewal, et al., ed., *Punjab in Prosperity and Violence* (New Delhi: K.K. Publishers, 1998), p. 115; Singh, *Ethnic Conflict in Punjab*, p. 168.

<sup>25</sup>See, e.g. Singh, *Ethnic Conflict in India*, p. 163; “India; Peace at Last in Punjab,” *The Economist*, May 22, 1993, p. 45; John Rettie, “An End to Separatist Fighting Spurs Sikh Hopes,” *The Guardian* (London), June 9, 1994, p. 13 (discussing the public credit for the collapse of Sikh separatism as belonging to K.P.S. Gill). Gill served as Director General of Punjab Police from April 1988 to December 1990, and from November 1991 to January 1996.

<sup>26</sup>“Army again,” *Frontline*, December 20, 1991, p. 13. See also Praful Bidwai, “Rights-India: Govt Gives Gujarat Pogrom A Terrorist Spin,” Inter Press Service, May 13, 2002 (stating: “what is not in dispute is that Gill’s police committed gross human rights violations”); “Unbridled’ police powers to be checked,” *Tribune* (Chandigarh), August 27, 1994, p. 3;

Kumar, et al., *Reduced to Ashes*, pp. 56, 58. For other reports on abuses by Indian security forces, see Human Rights Watch/Asia and Physicians for Human Rights, *Dead Silence: Legacy of Abuses in Punjab* (New York: Human Rights Watch, 1994); Human Rights Watch, *India-Punjab in Crisis: Human Rights in India* (New York: Human Rights Watch, 1991); Amnesty International, “Human Rights Violations in Punjab: Use and Abuse of the Law,” May 1991, <http://www.amnestyusa.org/document.php?id=8D63FE02A44B98C8802569A600600B91> (accessed January 11, 2009); Amnesty International, “Punjab Police: Beyond the Bounds of Law,” April 1995, <http://www.amnestyusa.org/document.php?id=3D24566B3D60358B802569A500715046> (accessed January 11, 2009); Amnesty International, “Break the Cycle of Impunity and Torture in Punjab,” AI Index: ASA 20/002/2003, January 2003, <http://web.amnesty.org/library/Index/ENGASA200022003?open&of=ENG-IND> (accessed

operations.<sup>26</sup> The Committee for Coordination on Disappearances in Punjab has documented 1,691 alleged enforced disappearances and extrajudicial executions.<sup>27</sup> In 1994, Human Rights Watch and Physicians for Human Rights described the government's operations as "the most extreme example of a policy in which the end appeared to justify any and all means, including torture and murder."<sup>28</sup> The United Nations Working Group on Enforced and Involuntary Disappearances (UNWGEID) has repeatedly communicated allegations of enforced disappearances to the Government of India.<sup>29</sup> In 1994, the UNWGEID further observed that the underreported enforced disappearances may be due to citizens' fear of reprisals for exposing human rights violations.<sup>30</sup> The "US Country Report on Human Rights Practices: India" has highlighted the continuing impunity for human rights abuses in Punjab repeatedly, stating in 2007 that "hundreds of police and security officials" remained unaccountable.<sup>31</sup>

Indian authorities have downplayed reports of abuses in Punjab as "aberrations" that have been addressed according to appropriate procedures. The

Government of India's official response to the UNWGEID stated, "Scrupulous care had been taken to protect the rights of the individual under due process of law." Furthermore, "wherever there was any suspicion of police excesses, action was taken."<sup>32</sup> Similarly, in 1992, Punjab Chief Minister Beant Singh responded to reports of human rights violations by stating: "So many complaints have come; they are small and minor. We are inquiring into some of them...But it is not on a large scale; what people are saying are just rumors."<sup>33</sup> K.P.S. Gill, the face of the campaign against terrorism in Punjab and the former director general of police,<sup>34</sup> described human rights violations as "random excesses" and specifically responded to allegations of enforced disappearances claiming: "Thousands of Sikh youth who had left for foreign countries under fake name[s] and documents were claiming to be missing persons killed by security forces in encounters," adding, "they are missing with the consent of their parents."<sup>35</sup> Gill has also led the criticism of the prosecution of security officers for human rights abuses, describing the writ petition as a "weapon" of terrorism and "an integral part of a propaganda war aimed against peace and

April 13, 2007); Human Rights Wing (Shiromani Akali Dal), "Press Note on Mass Illegal Cremations", January 16, 1995, <http://www.ensaaf.org/docs/pressnote.php> (accessed November 22, 2008).

<sup>27</sup>See Section 4.2.3 of this report.

<sup>28</sup>Human Rights Watch/Asia and Physicians for Human Rights, *Dead Silence*, p. 2.

<sup>29</sup>Report of the Working Group on Enforced or Involuntary Disappearances, E/CN.4/1995/36, December 21, 1994, <http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/5d7027895994334b802566e1005606f9?Opendocument>, para. 219 (accessed December 11, 2008).

<sup>30</sup>Ibid.

<sup>31</sup>US State Department, Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices—2007: India," March 11, 2008, <http://www.state.gov/y/drl/rls/hrrpt/2007/100614.htm>

<sup>32</sup>At the 50th session of the UN Human Rights Commission in February 1994, Dr. Manmohan Singh, then India's finance minister, downplayed widespread human rights abuses in India as "aberrations" that had occurred in confronting terrorism. Report of the Working Group on Enforced or Involuntary Disappearances, E/CN.4/1995/36, December 21, 1994, <http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/5d7027895994334b802566e1005606f9?Opendocument>, para. 222 (accessed May 15, 2007). "India not to submit to terrorism: Manmohan," Press Trust of India, *Tribune* (Chandigarh), February 4, 1994, p. 1.) On the contrary, see Ensaaf and Human Rights Watch *Protecting the Killers*, New York: Human Rights Watch, 2007, which focuses extensively on obstruction of justice and judicial impunity for human rights violations.

<sup>33</sup>"It is our political will: Interview with Beant Singh," *Frontline*, November 20, 1992, p. 28.

<sup>34</sup>K.P.S. Gill, "Text of K.P.S. Gill's letter to Prime Minister I.K. Gujral on the death of Ajit Singh Sandhu," May 30, 1997, <http://www.satp.org/satporgtp/kpsgill/terrorism/97PM.htm> (accessed November 22, 2008)

<sup>35</sup>Rajender Puri, "The Real Fake Encounter," *Outlook*, May 16, 2007, [http://www.outlookindia.com/full.as\[\?fodname=20070516\&fname=rajinderpuri\&sid=1](http://www.outlookindia.com/full.as[\?fodname=20070516\&fname=rajinderpuri\&sid=1) (accessed January 11, 2009).

<sup>36</sup>Air Commodore Ran Vir Kumar & Group Captain B. P. Sharma, *Human Rights and the Indian Armed Forces: A Source Book* (New Delhi: Sterling Publishers, 1998), pp. xiv-xv. See also Human Rights Watch and Ensaaf, *Protecting the Killers*, p. 19; Onkar Singh, "Gill refutes rights body allegations," *India Abroad*, October 19, 2007, <http://www.rediff.com/news/2007/oct/19gill.htm> (accessed December 7, 2008) (quoting Gill describing Ensaaf as an organization "which backs terrorists," in response

stability.”<sup>36</sup>

Human rights groups have rebutted the Indian government’s characterizations of abuses as random and inconsequential “excesses” by offering widespread qualitative accounts of human rights violations. These documentation efforts have, however, failed to unseat the dominant narrative of Punjab as a success story and a model for counterinsurgency efforts throughout India.<sup>37</sup>

### 3.2 The Body Count: A Scoring System

Indian government leaders explicitly attempted to legitimize the state’s counterinsurgency practices by comparing how many militants, civilians, and security officers died in a given time period. State authorities depended especially on this scoring system when alleged militant deaths began to increase. As the national magazine *Frontline* reported in July 1992: “the preoccupation is only with daily scoreboards and balance sheets, of those killed by the *Munday* (the boys, as the militants are known in Punjabi) and the *Pulsiye* (colloquial for policemen).”<sup>38</sup> K.P.S. Gill established a system of bounty rewards to officers for killing alleged militants,<sup>39</sup> and fostered an institutional fixation with the body count, as one Senior Superintendent of Police (SSP) under Gill describes:

Before a meeting with [K.P.S.] Gill, 300 to 400 Sikhs used to die in Punjab. Every SSP had to report: I have killed 14. The other who said “I have killed 28” was appreciated more. The third SSP, who had to outsmart the first two, had to report 31. The night before the meeting with Gill, the Sikhs used to die so that the SSPs could vie with each other in showing their anti-terrorist achievements.<sup>40</sup>

In turn, the local and national media did indeed report the number of alleged terrorists killed as evidence of a victory over terrorism, noted by *Frontline* in 1993:

For the first time, the balance of those killed has shifted sharply against the terrorists, who are now the hunted. This is emphasized by the figures for the past three months which show that for every one civilian or policeman killed, 15 terrorists are killed.<sup>41</sup>

Security officials almost always explained alleged militant deaths at the hands of security forces as “encounter” deaths—deaths from an exchange of gunfire with security forces.<sup>42</sup> Kirpal Singh Dhillon, Director General of Punjab Police from 1984 to 1985, suggests that reported militant deaths from encounters represented “tangible results” that allowed the

to its joint report with Human Rights Watch released in October 2007).

<sup>37</sup>“Anti-terrorist front comes out in support of Delhi Police,” *Express India*, Oct 24, 2008, <http://www.expressindia.com/latest-news/antiterrorist-front-comes-out-in-support-of-delhi-police/377223> (accessed November 22, 2008).

<sup>38</sup>Madhusudan Srinivas, “Policing Punjab,” *Frontline*, July 17, 1992, p. 60. See also, “Punjab’s Winter of Despair,” *Frontline*, December 8–21, 1990, p. 4; “Police chief vows revenge against Sikhs,” *The Toronto Star*, April 10, 1986, p. A12 (quoting former DGP of Punjab Police, Julio Ribeiro: “Death is an occupational hazard for a Punjab policeman. But if you die at least four lives should be taken in return.”).

<sup>39</sup>Amnesty International, *Human Rights Violations in Punjab: Use and Abuse of the Law* (New York: Amnesty International, 1991), Appendix A. See also Kanwar Sandhu, “Punjab Police, Official Excesses,” *India Today*, October 15, 1992, pp. 87–89.

<sup>40</sup>Kumar, et al., *Reduced to Ashes*, pp. 107–108.

<sup>41</sup>Manoj Joshi, “Punjab’s Progress,” *Frontline*, April 23, 1993, p. 56; See also Section 5.6 of this report, discussing the reported deaths in Punjab during the conflict, as recorded by the *Tribune* newspaper.

<sup>42</sup>People’s Union for Civil Liberties, “Murder by Encounter,” in Akshayakumar Ramanlal Desai, ed., *Violation of Democratic Rights in India* (Mumbai: Popular Prakashan, 1986), p. 457. See Section 4.1.2 for a full definition of “encounter” as it is used in this report.

Punjab Police to enjoy “unprecedented freedom from legal and democratic accountability.”<sup>43</sup> The Indian public, including members of the judiciary, expressed support for restricting the fundamental rights of Sikhs in pursuit of measurable gains against militancy.<sup>44</sup> Furthermore, special counterinsurgency laws, such as the Armed Forces (Punjab and Chandigarh) Special Powers Act of 1983 (AFSPA) and the Terrorist and Disruptive Activities (Prevention) Act of 1987 (TADA) gave security forces greater powers to arrest, detain, and kill suspected militants, and provided prosecutorial immunity to officers who acted “in pursuance” of the acts.<sup>45</sup> Thus, allegations of widespread and systematic human rights violations by the security forces were not thoroughly investigated, nor were the actions of the security forces

monitored or assessed against international human rights norms.<sup>46</sup>

Human rights activists have produced extensive qualitative accounts and analyses of state violence, supported by narrative testimonies, affidavits, and legal proceedings, challenging official assertions that security practices ended the “war on terrorism” while resulting in only minor human rights violations. Until now, however, human rights groups have lacked the capacity to conduct systematic and reproducible quantitative research to record the nature and scope of human casualties and enforced disappearances resulting from the conflict.<sup>47</sup> Such an analysis can help to evaluate security rationale, policy, and practices against international human rights standards.

## 4 Motivation for this Quantitative Analysis

There have been a number of different data collection initiatives on enforced disappearances, extrajudicial executions, and “illegal cremations” in Punjab over the last two decades. This report synthesizes the existing data and describes the magnitude and pattern of *reported* enforced disappearances, extrajudicial executions, and “illegal cremations.” Of

official claims and justifications for security policies and practices connected to the counterinsurgency against the Sikh militant movement will be compared to observed patterns. Specifically, we seek to assess the observed policies and practices of the security forces<sup>48</sup> against the government’s claims that enforced disappearances, extrajudicial executions, and

<sup>43</sup>K.S. Dhillon, “A Decade of Violence, 1983–1992,” in J.S. Grewal, et al., ed., *Punjab in Prosperity and Violence*, p. 115.

<sup>44</sup>Ibid. See also Mohan Guruswamy, “Close Encounters,” *Outlook*, June 8, 2007, <http://www.outlookindia.com/full.asp?fodname=20070608&fname=mohanguruswamy&sid=1> (citing perceived corruption and incompetence in the lower judiciary as the reason “the general public is willing to go along with the police’s murderous ways”); Khushwant Singh, “Defending the Indefensible,” *Hindustan Times*, June 20, 2003. Copy on file with Ensaaf. (stating: “I supported K.P.S. Gill for resorting to extra-judicial methods to stamp out terrorism,” before he read *Reduced to Ashes*); Jaskaran Kaur, “A Judicial Blackout: Judicial Impunity for Disappearances in Punjab, India,” *Harvard Human Rights Journal*, vol. 15 (2002), p. 284 (quoting the response of Justice G.S. Singhvi when questioned about the failure to protect the rights to life and liberty in Punjab during the period of militancy: “What about the life and liberty of those killed by the militants and terrorists? [It is] not possible to separate the militants from the innocent people who were killed”).

<sup>45</sup>Armed Forces (Punjab and Chandigarh) Special Powers Act (1983), section 7. Section 7 states: “No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.” The Terrorist and Disruptive Activities (Prevention) Act, section 26. Section 26 states: “No suit, prosecution or other legal proceeding shall lie against the Central Government or State Government or any other authority on whom powers have been conferred under this Act or any rules made thereunder, for anything which is in good faith done or purported to be done in pursuance of this Act or any rules made thereunder or any order issued under any such rule.”

<sup>46</sup>Human Rights Watch and Ensaaf, *Protecting the Killers*, p. 4.

<sup>47</sup>Singh, *Ethnic Conflict in India*, p. 163 (noting the lack of verifiable research available).

<sup>48</sup>The term “security forces” refers to the Punjab Police, the Indian Armed Forces, as well as paramilitary forces consisting of the Central Reserve Police Force and the Border Security Force.