



# Jammu and Kashmir Parliamentary Elections 2004

## Independant Election Observers Team Report

Publsihed in 2004

**Jammu Kashmir Coalition of Civil Society**  
**The Bund, Amira Kadal, Lal Chowk Srinagar (J&K)**  
**[www.jkccs.net](http://www.jkccs.net)**

Dedicated to: -

*The brave daughter of the nation,*

***Aasia Jeelani***

*who was killed in the landmine explosion,  
at Lolab on 20<sup>th</sup> April 2004,  
while monitoring the parliamentary elections.*

*And, Ghulam Nabi Shaikh the driver of the vehicle who died  
on the spot.*

## PREFACE

This report is both shorter than intended and took longer than expected to complete. It ought to have come out several months ago. But coping with the death of Aasia Jeelani and looking after the three who suffered injuries distracted attention from finalisation of the report. We were also compelled by circumstances to reduce the number of teams from eight to just three. While this makes for less comprehensive monitoring of the elections, nevertheless, it is our conviction that our findings have some relevance. For one because election process provides greater mobility and easier access to people and places than available otherwise. And for another it demonstrates how the fundamental issue of people's aspirations remains un-addressed. This impasse influences political developments in Indian held Jammu & Kashmir in so far as it foregrounds the political reality of non-resolution of a long festering dispute. Furthermore, it is evidence of how a formal procedure of election intrinsic to democracy cannot be imposed on a real and existing un-democratic structure.

We are mindful of the need to be rigorous in collection of information and its analysis. This report is based on phase-wise reports, and discussion with the team members supplemented by relevant official records. We, nevertheless, welcome criticism and invite response from readers so that mistakes, factual or analytical, if any, are corrected.

## INTRODUCTION

There is more to elections in Jammu and Kashmir than the issue of voter turnout. \* First and foremost the issue is whether “free and fair” elections are at all possible in the conditions that operate here. The first condition for “free” people is their right to live in dignity and freedom, something that is denied to Kashmiris. While ceasefire operates in the border between Indian and Pakistani armies there has been no cessation of hostilities by the Indian security forces inside Jammu & Kashmir.

Counter-insurgency revolves around cutting the links between the people and the militants by proceeding on the assumption that everyone is a suspect unless proved otherwise. The point is to understand that atrocities are built into Counter Insurgency because people are made to pay such a heavy price that others get deterred.

More than five hundred thousand Indian security forces remain in Kashmir ostensibly to fight the so-called “cross border terrorism”. In a sweep the resistance in Kashmir is equated with terrorism, terrorism exported by Pakistan. More than 500,000 troops are deployed here operating under the ‘Carte Blanche’ offered by the Armed Forces (Special) Powers Act with arbitrary exercise of powers to detain a person for upto two years under the Public Safety Act (PSA) without having to file charge sheet. Combine impunity with powers to search, question, raid houses, detain and kill, all on mere suspicion. Most public spaces are closed for any kind of dissident meeting. Section 144 has been in operation virtually un-interrupted for the past fifteen years. And no less than five lakh people living within ten kms along the 740 kms long Line of Control (LoC) have been living under 5pm to 9am curfew. Campaigns by those calling for boycott seldom passed being disrupted by the security forces, often by arresting preventing political leaders from addressing the public. It is undoubtedly true that a section of the militants chose to target civilians who wished to cast their votes. That their acts can cause incalculable harm, wittingly or unwittingly, was brought home to us when our colleague and friend Aasia Jeelani died in an IED suspected to be planted by militants. We have long spoken out against the use of landmines and IED’s that have the dubious distinction making no difference between friend and foe and for being responsible for large number of civilian casualties. That on day such as the election the militants still felt it necessary to interfere with what is people’s right to decide whether they want or do not want to exercise their franchise is a sorry comment on their commitment to respecting the will of the people. This is all the more tragic because the demand for right of self-determination is an explicit recognition of people’s right to decide un-encumbered one way or another.

But it would be a travesty to regard “free and fair” elections as a panacea for a people alienated and brutalized let alone to believe that the security force which is responsible for most of the atrocities in the past fifteen years can provide a ‘secure’ environment for the people. That the security forces inspire fear and not confidence goes to very crux of the problem. If for sake of argument all this is dismissed then what cannot be denied is that the process itself was fatally flawed.

Absence of intensive revision of electoral rolls since 1989 meant that an anomalous situation noticed in the 2002 Assembly elections was re-inforced: whereas 2001 census reported that the valley’s population was 5.43 million and that of Jammu 4.63 million, an approximate difference of 20% as per the electoral rolls prepared by the Election Commission the number of electors in Jammu was 3.2 million compared to valley’s 2.9 million! As a matter of fact the electoral rolls were last revised in 1987

unlike elsewhere where intensive revisions took place in 1995, 2001 and 2004. In Jammu & Kashmir instead only summary revision took place. What this meant becomes evident from a story that appeared in September 5, 2002 issue of Indian Express. According to them in 1987 Sopore and Jammu (west) had roughly same number of electors i.e. 54,000. By 2002 whereas voters roll shows that in Sopore the number of voters grew by 19% in 19 years that of Jammu (west) grew by an 177%! Which is to say that were intensive revision undertaken the growth in the number of electors would not be radically different between Jammu and Kashmir regions. Therefore, Jammu region showing higher number of electors than Kashmir both in 2002 as well as now means that the irregularity noticed in 2002 Assembly polls persists. It means that atleast 10%, if not more, of Kashmiri electors do not find any mention in the electoral rolls. To put it another way the Election Commission maybe responsible for denying a large number of adults in Kashmir region their voting right. This too must be regarded as a form of coercion. This discrepancy in its turn distorts the actual voter turnout.

**Table 1: District Wise Electors (M/F As per summary revision upto January 1, 2004)**

Constituency (District)	Males	Females	Total
Varmul (Kupwara & Baramulla)	5,23,161	4,17,837	9,40,998
Srinagar (Srinagar & Budgam)	6,05,469	4,48,264	10,53,733
Anantnag (Anantnag and Pulwama)	5,68,139	4,30,766	9,98,905
Ladakh	90,441	92,23	1,82,677
Udhampur (Udhampur and Doda)	7,16,841	6,31,880	13,48,721
Jammu (Jammu, Poonch and Rajouri)	9,68,085	8,83,753	18,51,838
	<b>34,72,136</b>	<b>29,04,736</b>	<b>63,76,872</b>

**Total number of Polling stations: 7218**

**Table 2: Region Wise Electors**

Region	2002*	2004+
Kashmir	28,09,578	29,93,636
Jammu	30,15,173	32,00,559
Ladakh	1,74,083	1,82,677
	<b>59,98,834</b>	<b>63,76,872</b>

\* Assembly Elections ([www.eci.gov.in](http://www.eci.gov.in), October 21, 2002)

+ Parliament Elections (Chief Electoral officer, J&K) press conference held on March 25, 2004.

The increase in the number of electors between 2002 and 2004 electoral rolls, however, also has to do with the difference between Assembly and Parliamentary elections. Which is to say that in the Assembly non-state subjects do not appear as voters. Whereas in the Parliamentary elections even non-state subjects residing in Jammu & Kashmir are entitled to vote. How large are their numbers is not easy to

establish since only a perusal of the electoral lists of Assembly and Parliamentary polls can provide this information. But what is certain is that even a 4-5% of non-state subjects can prove handful if the voter turnout and therefore voting percentages are low.

If flaws in electoral rolls leave much to desire there are other shortcomings of the process. The security forces strength went up during the elections. Barring Srinagar and Jammu, where Border Security Forces (BSF) and Central Reserve Police Force (CRPF) rule the roost, the Indian army exercises control over much of Jammu & Kashmir. The security force personnel are so much a part of daily rigour for ordinary people that it arouses little comment anymore. But harsh steps against the "suspected" over ground supporters of militants i.e. encounter killings, crackdown, search and cordon operations result in spontaneous protests. The extent of control exercised over people's lives is such that curbs on fundamental rights goes unnoticed. This is explicit in the curbs placed on those who peacefully protest the holding of elections and campaigned for election boycott. It was as though the dice was loaded additionally to ensure that electorate was only exposed to those canvassing for votes and being denied an opportunity to hear those calling for boycott.

Finally popular enthusiasm and participation are at variance with each other. Although election was a subject matter of vibrant discussion the visible divide between people was not so much to do with which party to vote for rather it was whether or not to boycott elections. This issue subsumes within it the popularity of the appeal for exercising the right to self-determine their future.

We posed three questions to elicit response from the people:

1. Why are you casting / not casting your vote?
2. Will this solve the Kashmir problem?
3. What do you want?

\* We request our readers to take a look at the Coalition of Civil Society's report on the elections to the state assembly held in September-October 2002.

## **Phase-1**

In the phase one the Jammu and Kashmir Coalition of Civil Society had organized a programme to monitor the lections in all the areas of Baramulla Constituency and

Parts of Rajouri & Poonch area. For the effective reporting CCS has mobilized 57 volunteers. The volunteers were divided in 9 teams. The idea was to collect 9 different reports from different areas and publish them in the form of a final report but unfortunately the landmine explosion on our team in Lolab devastated all the plans. The CCS was not in the position to collect all the reports from the 9 teams as everyone was in shock after the martyrdom of Aasia Jeelani and Ghulam Nabi the driver of the vehicle. Anyhow now we are publishing the reports which we were able to gather from our volunteers lately.

#### **List of the volunteers: -**

Ashraf Hamaad, Parvez Ahmed Matta, Bilal Ahmed, Suhail Ahmed, Nissar Rather, Shabir Ahmed, Rayasat Amin, Harbans Heon, Sheikh Ghulam Mohammad, Mir Hafeezullah, Mushtaq Ahmed Paul, Mohammad Asif, Rukhsana Naaz, Safiya, Andleeb Andrabi, Balbir Singh, Dr. Bashir Ahmed, Yaseen Malik, Adil Nazir, Fayaz Ahmed Wani, Assabah Arjumand Khan, Tariq Ahmed Shaikh, Sharief ud Din, Zahir-ud-Din, Shoeab Afra, Showkat Ahmed Dar, Yassir Shabir, Gautam Navlakha, Prof. Noor Ahmed Baba, Shaikh Bilal, Shahnawaz Khan, Nighat, Abdul Qayoom, Hari Singh Tarq, Showkat Motta, Naqshab Afridi, Fasiya, Subaya, Mir Assadullah, Subramaniam G., Shafaat Ahmed Basu, Asif, Parvaiz Majeed Lone, Javed Mohammad Hubbi, Javed Ahmed Mir, Imtiyaz Ahmed, Gurmeet Singh, Khurram Parvez, Aasia Jeelani, Jalees Andrabi, Sadiq Ali, Ghulam Mohiudin Reshi, Kumar Buradikatti, A.G. Tantray, Parvez Imroz, Idhries Ahmed, Sajad Hussain, Abdul Majeed, Abdul Qayoom and Harnek Singh.

#### **HANDWARA – LANGATE TEAM**

At about seven we leave for our destination – Handwara-Langate area. Our car traverses the lanes of Srinagar city. It is a pleasant morning with a cool breeze and gathering clouds welcoming us. Seeds from the tall poplar trees float in the air like snow flakes and lines both sides of the road.

We drive for one and a half hour leaving behind many towns and villages. All these habitations give a picture of loneliness and abandonment. There is no one on the streets. Doors and windows of each and every house are shut. It looks as if the people living here have left their places years ago. No doubt, the life inside the walls bustles but outwardly the look is quiet and a sense of desertion haunts these towns. This is the Election Day and there is a call by dozens of organisations for a general strike and to boycott the elections. The human settlements have turned ghost places.

At last, we reach Chogal. It falls in the Handwara assembly segment.

Time: 8.24 a.m. It is a big town like village. The rain has made the village a damp place and its environs betray a sense of quietness bordering on anger. We find the people standing in many groups along a good length of the road. There is a polling booth on the one side of the road. The people swarm around us as soon as we stop and alight from the car. They have noticed cameras and tape recorders in our hands.

“Why you people are here?” we enquire. One among them named Mohammad Dar speaks out: the army is asking the people to come out and vote.”

“Are not you coming of your own?” we ask.

“No, they are forcing us,” many of them shout back.

“Why you don’t want to vote?”

“We are for Azadi and we are boycotting elections. We have sacrificed 80,000 of our sons, brothers and sisters. We cannot trade their blood,” is their answer.

It is raining. We look towards the polling booth. The iron gate of the school is closed and only a small inlet is there to let one person in at a time. The gate is manned by 5-6 security personnel. We step towards that small open. The policeman on the inside closes the door quickly. They deny us entry. Our journalist IDs doesn't move them though the policeman turns a bit soft. Says that he would ask his superiors for the permission to let us in. He spends a few minutes while talking to his senior. Meanwhile, we again turn towards the people who have come closer. They repeat their words and say that most of the people who are inside the booth have been forcibly taken there.

The policeman returns and tells us that we cannot be allowed to go inside the premises as just three minutes ago a wireless message from the higher authorities has forbidden any non-voters, including media persons to enter into the booths. The reason, according to him, is the security of the voters. To satisfy their need we offer ourselves for a thorough search. He looks away.

Just at that movement another media team arrives. These people have permission from the Election Commission to enter into the polling booths. Seeing the commotion at the gate the senior officer arrives. He sternly says that he had received orders an hour ago to not let even media men into the polling stations. We point out the discrepancy between the statements of the two police personnel. The officer does not listen and continues to be adamant. We are left with no option than to leave the gate.

Meanwhile, a group of 8-9 people reach the booth. They are all agitated because of the conduct of the security forces. They raise slogans against the security forces, the government and for independence. When we asked them that why they are boycotting, they said the blood of the martyrs would not go in vain. Elections are useless and the only solution to the Kashmir problem is independence from India. The security forces are all around. They do not intervene. Perhaps they have orders not to. We don't know. But they seem upset. We decide to leave with this idea in mind that we will be visiting this place again on our way back. But that never happens due to the death of Aasia, our colleague, who was accompanying a different team. Later when we reach Srinagar in the evening we learn that the people in Chogal had demonstrated in the evening against the behaviour of the security forces. That is the reality of “democratic elections” in Chogal village.

After about 15 minutes we reach another village. The village is heavily manned by the security forces and the booth is surrounded by dozens of para-military forces.

Here too we are not allowed to enter the polling booth. The people are standing outside of the gate in groups. We enquire from them if there was any coercion. One Mohammad Subhan says he is brought by the security forces forcibly. When we ask the security personnel to explain they deny the charge. Meanwhile, a woman named Jana comes out of her house and shouts from a distance accusing the security forces for asking her and her family to vote. She says it is coercion and declares that she and other people won't cast their vote, as they don't believe that votes will lead to any solution of the Kashmir problem. She feels bitter of the security forces and continues to speak against them in Kashmiri language. She is very furious. Her loud voice attracts the attention of the villagers all around. The security forces stare blankly and just keep quiet. She is so outspoken and brave. When we speak to other people they say the army went from door to door asking the people to come out and vote. This, we conclude is a polite way of threatening the people, a way to just to remind them that



the security forces are here. It is a method to inject fear into their minds. When we ask police about this, they keep quiet.

It is a village in a far flung off area in the hills. Here we encounter dozens of men who complain of the oppressive attitude of the armed forces. Were they herded and brought by the army? No, they were not. They were just told to go to the polling station and come back with the irremovable ink mark on their fingers. This is an open threat. But no dragging and beating. The villagers must show the mark on their fingers that they have voted. It is more than getting higher statistics for the polled votes. These people are from three villages where the army has threatened them. One of the villages is **Tung**, the other two are Salamabad and Noorabad. The villagers have no option but to vote so that they can get their fingers marked with the ink. This is identification mark. Trees are marked thus in the forests and cattle are marked to tell them from others. Human beings are treated worst. The security forces don't answer our questions. They are here only for the security of the people, they say. Security from whom?

This is a heavily guarded booth. In fact, it is not a barricaded polling station. The booth itself is in the army camp, which in turn is situated in a school building. We are allowed entry only after we get permission from the commanding officer. He says, "Sorry. The police have to seek my permission to let you in because the booth happens to be in my camp." The police had no mandate to allow non-voters to enter the premises. We feel we are ducked twice. No doubt, we get the permission to enter. Perhaps here no coercion has taken place and there is no need to deny us entry. It just faces a couple of hurdles. We thank the army officer and enter the garrison. There is a queue where people are waiting for their turn to cast their vote. We enquire from them if there is any coercion. The people say, "No, no." Right at that time a PDP leader comes there. He says he is an independent observer. We tell the story of the last booth where people from three villages were forcibly brought to vote. He refuses to believe, saying, "This can never be the case. Army is here to help the people and not to force them to vote. The people are turning up of their own to exercise their right." He says, "Reports of coercion are all wrong." We again tell him that we ourselves have talked to the victims and we have recorded evidence. He refuses to believe nor does he stay to listen to the recorded voices. We leave the premises of the garrison cum polling station. No doubt here the army officer had cooperated in our monitoring work unlike the officers at Chogal.

The next village is Phunsuk. From a distance, it looks as if there was a scramble for voting first. About 30 people were eagerly waiting in front of a room where the booth is set up in a school. About 60-70 people were standing outside the school premises. We went to them to inquire why they were not in the queue of voters, or whether if they had already voted and come out. We heard their story and recorded it. They alleged that they had been forced by the army to come and vote. These people were from the ten villages that lie on the Line of Control (LoC). Not one among them said that he had come to vote of his own. All were forced to vote like cattle. They had been told by the army to cast their votes before 1:00 pm. The people did not know the names of the candidates because none of the candidates had visited them during the election campaign. We asked them to go if they did not want to vote. They said, "You don't know what the army will do if we don't get our fingers marked by the permanent black die.

When we went inside the premises waving our ID's, the security forces and police were all around us but nobody stopped us. We headed towards the line in front of the room; there were about 30 people who were from a village called Sodhal (one of

the ten villages the people were from). We thought the people were very enthusiastic about using their franchise. However, they all told a different story. They are compelled to come out and vote. They fear the security forces. All of them said that they don't know whom to vote. No candidate ever visited them. But army has asked them to get the black mark. Otherwise, they fear to blue. They even allege that they were dragged out of their houses by the army. Their unanimous voice is they do not want to vote and want to be independent of India. But they would still press some button on the machine to escape the wrath of the army. There is no option. The police and Para-military men standing nearby listen the whole conversation we are having with these voters. We turn to policemen and seek their version about what the people are saying. First, they refuse to talk, then they speak out. They say, "The people are not speaking the truth, they are lying. No one has forced them. Ask the older people and don't listen to young men, they are talking nonsense." We point out towards older people standing in the line and whom we had interviewed. The policemen repeat their version of the thing. We came out and again talk to the people standing outside the school gate. Now they are about 70. They repeat the allegation and compulsion. We leave the place. About a hundred yards away from the school army vehicles screech to a halt. We approach the 2<sup>nd</sup> Commanding Officer. He refuses an interview. We put question asking for an answer to the alleged accusations. He orders to stop our cameras and tape recorders. Then he says, "I have no business in bringing the people to vote. I know these are parliamentary elections and not state elections. Here less numbers of voters will come to vote I don't bother whether somebody votes or not. I am not a political person." "Okay", we say and thank him. We board our car. After travelling 200 metres on the metalled road we stop to talk with a group of about 20 people who are coming towards the polling station.

After the initial *Dua-Salam* (Greetings) we ask them where they are going. Almost all of them speak out as if from a deep agony. "We are forced to come here by the military. Tell us what we can do. This is the worst thing that is happening. We don't feel safe in our own homes." The army is looking towards us from a distance. We look back. The people don't hesitate when they complain about the coercive behaviour of the army. They also allege that they were physically pulled out by the army out of their houses. Here the threat is not veiled. It is clear and unambiguous. The army has taken over the job of street bullies. Their guns make them formidable against the helpless innocent villagers.

Perhaps this was the booth where only one vote had been cast till 11 am. Here all the people have deep aspirations for freedom and to become independent. For them the Indian Army behaves like an occupational force, nothing less.

## **KUPWARA TEAM**

First of all the team went to Barri Village (Kupwara) and on our visit the team met few people met us on the roadside. We interviewed, Mohammad Maqbool, Mohammad Mulan, Bashir Mohammad. The polling had not started yet. We asked all of them if they will cast their votes. The answer was "No". One of our team members inquisitively asked Bashir Ahmed that why would they not vote. Bashir affirmed, "We are struggling for freedom and freedom is cannot be attained by elections. Lot of people have died". On being asked that on whose call they have boycotted the elections, Maqbool replied, "We are listening to the voice of our conscience. We are not boycotting under the leadership of anyone".

In this village we interviewed a lot of people and most of them said, "They will not vote as they are fighting for freedom". There were some who said that the candidates did not make development that is why they were boycotting.

In the area there are total 1200 votes. In the state assembly elections in 2002, 400 votes were cast and most of them voted because of the force used by the army. This time the people said there was no force from the army.

The next village on our way was Visar Kathu. On entering the village we had the conversation with, Abdul Majeed, Aziz Mohammad and Abdul Majeed. We asked them did they cast their vote. All of them replied, "Yes". When being asked what their motivation for casting the vote is, they said, "We don't know. We are casting since long time". Majeed intervened and said, "It is our right. We shall cast the vote. It will make development". One of our team member further asked Majeed, whether they think there was no development work done in the previous government? Majeed replied, "Very little was done".

On proceeding towards the polling booth we saw there were 30 people in the polling booth and about 150 people were standing outside who were not polling. And the locals there said that less than 20% people will vote for various reasons but about 80% people are boycotting.

One of the villagers, Abdur Rehamn said, "There is no response to Hurriyat's call for boycott. But there is no fun in casting the vote. Polling shall pay only to the center Government. There will be no benefit to Kashmiri people. Votes are only cast by the worker of the political parties and the by the people who are under their influence. So far there has been no coercion from the security forces to cast the vote but if we are forced later we don't have any other option but to vote".

After Visar Kathu our team decided to visit Dardpora (Neeche walla). This village has always been very much in the news in last years of insurgency as a huge number of people have been killed in this particular village. Many NGOs have established their projects in this village. It is said that there are more than 200 orphans in this village. People often call this village as the "Village of orphans and widows". In this village people were casting vote but nobody wanted to reveal their names while talking to us.

We asked many people why they were casting their vote. To this a group of people said, "For defeating N.C. We want to get PDP win. There is an advocate of this village who is main person of PDP and polling is being done on his insistence and for making him happy". An old villager said, "Only 20% people from this village, who actually are under the influence of that advocate are voting. There will be a complete boycott if advocate would have not been here. In this village about 360 person were martyred and there widows are begging, no body is their guardian. We shall not cast vote".

Proceeding ahead we reached the upper side of Dardpora which is called Darpora Upparwala. The village is inhabited by the Gujjar and Pahari people.

In this village we met Mohammad Mushtaq Sheikh who was standing on the road. We asked him that if he had cast his vote. Mushtaq replied, "No, we are on boycott". Then our team member asked, "Why and on whose call are you boycotting the elections". To this Mushtaq said, "My conscience didn't allow me to vote".

Another villager said, "There is no response to the call of Hurriyat or any other organisation for boycotting the elections but still there is 80% boycott. And it is only because of the 0% development. There is no electricity, no water, there is only one school and that is also in a very bad condition. Freedom struggle is a separate issue but we have boycotted elections only due to non development in our area".

Lone Harai was the last village our team visited after which we had to stop our monitoring exercise because of the attack on our team in the Lolab area.

We met an old aged man, Saifudin in the vicinity of the polling booth whom we asked whether he has cast his vote or not. Saifudin replied, "Yes". We then asked him why he voted. He argued, "It is our democratic right. Polling will lead to peace. There is no response to boycott call. Freedom shall only come by polling".

But just outside the vicinity of the polling booth some people were said that we are on boycott and the people who participated were supporters of People's Conference.

## **POONCH AND RAJOURI TEAM**

The first phase of election (for Lok Sabha) was in full swing. The team of Coalition of Civil Society (CCS), comprised of 8 members, visited several areas of Poonch and Rajouri district. It was a great occasion for the inhabitants of Surankote area of Poonch district to welcome the CCS team. The people (in large numbers) interacted with the team and expressed themselves freely.

After the clearance of road opening party (ROP) the team left for election monitoring on 20-4-04. They first monitored P- S 26c, P-s 25B AND P-S25 A polling station at Chadi Mud, the last village situated on Mughal Road from Poonch side, the voters interested in local issues i.e. road, ration, electricity and schedule tribe status for Pahari speaking people had came to vote.

Answering questions, they (voters) said, that election had nothing to do with the Kashmir problem. The elections could not decide the fate of 12 million people. The voters accused the National Conference (NC) of rigging in poling station 26 - C in Chandi Mad village. Even minors identified as Zulfikar, 16, and Barkat Hussain, 14 and several others had cast votes. Surprisingly the polling staff did not mark the fingers of the voters perhaps to facilitate bogus voting.

Some polling booths had to be shifted to 'safer places' overnight. In protest the people abstained from the booths at Mudah, Mastandar and Sawani. Out of 3000 voters nobody cast his/her vote.

The team also monitored 20 polling booths, some very close to the LoC in Bafliaz, Poonch town, Islamabad and Gangotariyan the last polling station from this side of Kashmir. The migrant people of much known Hill Kaka alleged coercion by the army. We were forced to migrate from our native land 18 months ago. "After capturing of our houses we were provided free ration up to 6 months only".

Some people said, "When we went for polling, we saw our votes have been already cast". At Lassana P-S 2B where Chaudhary Afzal (son of Chaudhary Aslam - Ex-minister) his wife were coercing people to vote for Congress. The turn out was 60% till 12:00 pm).

While monitoring in Poonch DSP, HQ Nisar harassed and warned the CCS team. He asked us to leave "His area".

PS No.	Location of the booth	Arrival time	No. of voters listed	No of votes cast	No of people interviewed	Time of departure
25 A	Chandi Mud	8: 30 AM	687	40	2	9:30 AM
25 B	Chandi Mud	8:40 AM	657	27	2	9:30 AM
26 C	Chandi Mud	8:50 AM	827	15	3	9:30 AM

29 A	Sailan	9:45 AM	787	51	2	9:55 AM
29 B	Sailan (Mada) A	10:05 AM	658	0	3	10:15 AM
	Sailan (Mada) B	10:20 AM	1007	0	3	10 25 AM
19 D	Bafliaz (Mastantandara) D	10:35 AM	901	0	2	10:40 AM
18 A	Bafliaz - C	10:45 AM	782	159	3	10:50 AM
18 B	Bafliaz (Highre Secondary School)	10:55 AM	696	143	2	11:00 AM
20 B	Bafliaz (Primary School - Chamrade)	11:05 AM	787	73	1	11:10 AM
21 F	Bafliaz - F	11:20 AM	432	39	4	11:25 AM
5 / 14	Dhraba - A	11:35 AM	858	99	2	11:40 AM
10	Sumhote - D Surankote	12:00 PM	1329	150	5	12:10 PM
9 A	Sumhote	12:15 PM	835	245	4	12:20 PM
2 B	Lassame	12:35 PM	755	427	3	12:45 PM
69 A	Poonch - A (HSSB)	1:15 PM	1500	512	3	1:25 PM
70	Poonch (HSSB)	1:30 PM	776	294	2	1:35 PM
63	Bandichachiyar High School	1:55 PM	737	405	2	2:10 PM
57	Islamabad	3:20 PM	725	409	3	3:40 PM
75	ITI Poonch (Hawali)	4:20 PM	1468	600	4	4:35 PM
78 C	HSS Purani, Poonch	4:40 PM	851	550	2	4:45 PM
78 A	Sheeshmehal- Poonch	4:50 PM	1133	522	3	4:55 PM

## Phase-2

The Coalition of Civil Society (CCS) formed two teams comprising Parvez Imroz, Gautam Navlakha, Zahir-ud-Din, Hilal Ahmed, Naseer Ahmed Ganaie, Nazakat Hussain and others, to monitor the second phase of elections in central district of Budgam.

Both the segments have been the traditional strongholds of opposition National Conference and have witnessed a good turnout in the 1999 parliamentary and 2002 state elections. This time also long queues of voters were seen outside some polling stations. However, one thing was witnessed throughout the day: people who cast their votes willingly were categorical the polling would have no bearing on the ongoing freedom movement. Some voters said they were tired of the violence from state and non-state actors and had come to the booths to end "gun culture". A voter standing in a queue at Girls high School Charar-e-Sharif, the hometown of Kashmir's 14th century Sufi saint Sheikh Noor-ud-Din Wali, said: "The militants come at night and the soldiers during the day. We are scared of both. They must go."

The shrine of Sheikh Noor-ud-Din Wali, it may be mentioned, was completely gutted in a fierce exchange of gunfire between the Indian troops and the militants, triggered by a two-month long standoff between them. The troops and the militants have been blaming each other for the destruction of the shrine that evoked widespread protest demonstrations across the Valley for many days.

The heavy turnout in Charar-e-Sharif was no surprise for the CCS team. The town has a long history of been the hub of pro-India politics and politicians. In early fifty's when Sheikh Mohammad Abdullah, the popular leader of Kashmir, was jailed by the Indian government to break his pro-freedom valour, it were the people of Charar who gave a warm welcome to Bakshi Ghulam Mohammad. Bakshi, a close aide of Sheikh, was the man responsible for consolidating "Indian occupation" of Kashmir at a time when whole Valley were literally on roads demanding freedom from India.

Again it were the people of Charar who poured on streets in thousands to welcome Jag Mohan, a man deeply abhorred by Kashmiris, during his first stint as the Governor of the State in mid-80's.

Half of the votes (out of the total number) had been cast when the CCS team visited the booth at around 11 am.

Similar queues were seen outside three booths in main town of Budgam. When asked about the impact of Hurriyat's anti-election campaign, an agitated voter said, "It is not necessary that every *banja* (nephew) must subscribe to the ideology of his *Mama* (uncle)." It was later learnt the enthusiastic voter was the nephew of Hurriyat (Geelani) leader Aga Syed Hassan.

Some voters and the polling agents of ruling People's Democratic Party (PDP) had manhandled the presiding officer of a Wathora booth for reportedly telling women to cast their votes in favour of National Conference. The presiding officer showed his torn shirt and strongly denied this charge. "I am not an agent of the National Conference", he said. In an adjoining booth the polling staff accused the authorities of taking them for a ride. "No food was given to us. The authorities took Rs. 50 from each one of us and promised (us) packed snacks. But nothing was served", a polling officer said.

Chadoora presented a similar scene with enthusiastic voters making a beeline to the booths. The CCS teams noticed hundreds of people waiting outside a booth to cast their ballot. The Hurriyat's boycott campaign seemed to have some impact in a booth housed in Boys School Hyderpora. Twenty-five people had cast their vote up to 1300 hrs. "A few people have visited the booth", a polling officer said. Official estimates put the percentage of voting in Khansahib segment at 29 percent.

Though the CCS team didn't go to Soibugh, the home place of Hizbul Mujahideen supreme commander Syed Salah-ud-Din due to paucity of time, we however learnt that a good turnout was recorded there.

### **Coercion complaints**

Irrespective of the willing votes and heavy turnout, large-scale complaints of coercion by the soldiers of Rashtriya Rifles (RR) were received from different parts of Budgam district, especially the Beerwah segment, considered a hotbed of militancy.

In Kadipora Mohalla at Nasrullapora, the CCS team saw scores of villagers fleeing towards fields at 8 am. When they saw our vehicle, they stopped us and alleged that army personnel were forcing them to vote. "Why should we vote? We will cast our vote after we achieve complete Azadi (independence) from Indian

occupation", said Ghulam Mohammad Dar, 70. Army personnel, he said, had warned them of dire consequences if they failed to cast their vote. In Chandipora polling booth number 51, 84 votes were polled at 9 am. The polling booth has 1,581 voters. The voters who were in queue told the CCS team they were casting vote due to the fear of Army. "In last assembly election when we refused to vote they tortured us and those who abstained were stripped", said Abdul Rahim Dar.

At booth Charangam, 50 people complained of coercion the soldiers of RR. Only 28 votes were polled at about 9.30. However, those who had cast their vote complained about coercion by the troops. "We were mercilessly beaten by the troopers of RR", said Rafiq Ahmed Sheikh who was soon joined by Ali Mohammad, Ismail Ahmed and Habib Sheikh, all residents of Kumar Mohalla.

The residents complained to the presiding officer in presence of CCS team that they were being forced to vote. The presiding officer Abdul Jabbar Wani pleaded his helplessness saying, "I can't do anything." Manzoor Ahmed, polling officer said, "If they are dragging them what can we do." The presiding officer asked them to write an application so that he would convey it to higher authorities. When the villagers put their signatures on the application and forwarded it to him the presiding officer said whatever happened outside the booth 'is out of my jurisdiction'. However, the villagers thanked him as indelible ink was put on their fingers "thus saving them from the wrath of the soldiers" who had made it a point to see the mark was present.

The CCS team noticed some RR soldiers asking people to cast vote. But, when they saw our Sumo they fled from the scene. The women folk also complained of the RR atrocities. "They (RR) came early in the morning and beat up us", said Aziza and Rafiqa.

In Kumar Mohalla, Charangam, following persons were beaten by (RR) when they refused to cast their vote: Mohammad Yusuf Kumar and his father Ghulam Mohammad Kumar, Mohammad Ismail Kumar and Ali Mohammad Kumar. Rafiqa wife of Habibullah said she was sick but the troopers told her to vote. In Sichan, Banet adjacent to Charangam some residents who had fled their homes alleged that a day before, the Central Reserve Police Force (CRPF) men tried to take over the primary school building, which was resented by the youth. However, the RR personnel quelled the resentment. The residents of Prancegund, another village neighbouring Charangam, voiced similar allegation. Ghulam Mohi-ud-Din Chopan, a shepherd said he was severely thrashed by the troops on his refusal to cast vote. In Gandhipora, the situation was more pathetic. RR men were doing rounds in the village and villagers were rushing from one corner to another. The residents were furious. They said, "They (army) have disgraced us by beating up our women especially young girls. Even teenagers haven't been spared. "I am only 15 and my name doesn't even figure in voters list, but I have been threatened (by soldiers) that if there would be no indelible ink mark on my finger they will chop it off", said Imtiaz Ahmed. "What is the fun of voting when you are forced to cast the vote", said 80-year-old Ghulam Ahmed Ganie. He said the RR despite being old dragged him. "It is shame on Indian democracy that even persons of my age are being forced to vote and women folk mercilessly beaten", Ganie said.

In Gondipora village, Rubina daughter of Khazir Mohammad Para, who had delivered a baby, some weeks ago and was convalescing on bed, but she too was asked to vote. Some more women complained of coercion by the troops. "We were beaten like dogs", said Mohammad Akram Khan. A few kilometres away at Hayatpora, situation was tense as RR was dragging people out of their houses. They were making announcements on the loud speakers of mosques asking people to vote

“I am a cardiac patient and am under treatment since years. But, still I was not even allowed to take medicines”, said Raja.

Imtiaz Ahmed of Pattan, a 15-year-old student whose arm was broken up by the RR personnel in tears said, “They snatched my identity card yesterday and ordered me to vote. When I refused on the grounds that my name is not in the voters list, they broke my arm. We were kept as human shields outside the polling booth.”

The CCS members noticed a group of villagers asking the media men to remain in the villages “to keep the troops at bay”. Abid Hussain Margay, 14, pointed towards two RR men at Hayatpora saying, “They slapped my mother Taja Bano”. Zahid Abbas, 16, son of Mohammad Jaffar Margay, despite being a minor, too had been asked to exercise his franchise.

Havaldar Abdul Hamid, a senior ranking police men at Gandhipora police station housed in Government Middle school when informed by people that they were forced by troops to vote, expressed his helplessness saying, “We don’t have a wireless set to inform our officers. Besides, we are guarding the booth and we can’t do anything about events happening outside.”

The Beerwah town, whose inhabitants are known for their pro-movement credentials, witnessed a near total boycott. Out of 1479 votes, only 7 votes had been cast till 12 noon, but there was no interference of the army. In the main bazaar some youth playing cricket on the roads stopped the CCS vehicle alleging that Tariq Ahmed Sheikh son of Fateh Mohammad Sheikh and Ajaz Ahmed Banday son of Ghulam Mohammad Banday were slapped by the troops when he had refused to vote. One Shabir Ahmed showed his finger marked by ink which he said was the hair dye he had applied to evade the wrath of troops. “They asked for the indelible ink mark. It is a matter of choice whether we vote or not. Elections can’t resolve the issue; our resolve will force them to free us”, he said.

A polling agent at the Beerwah booth said he had been promised a job by the PDP. “But I can’t disclose my identity to you people, as I will be targeted by the militants”. When the coercion by RR was brought into the notice of A. W. Tak, Assistant Returning Officer at Beerwah, he said the sector officers; sector magistrates and Zonal Officers were regularly monitoring the situation to check whether elections were free and fair. But he said he had no authority to interfere in RR’s job, as according to him it is the duty of police.

At Khag people were voting in large numbers. Till 12:15 pm, 407 votes had been cast out of 1466. But some people complained of coercion particularly the people from Sheikhpura, Batanpora, Watalpora, Nagbal and Zogiyara. In Magam a good number of voters had cast their votes. At 13B polling booth, 421 votes had been cast out of 1498 till 1:30 pm. A National Conference polling agent alleged the (PDP) tried to buy young voters for Rs. 100 each “but, we defeated their plan.

The main town of Budgam also registered brisk polling, but some people complained that there was large presence of “mobile voters” here. At 44 B Budgam 399 votes had been cast out of 1209 votes till 3:10 pm. In many centers, irregularities in voting pattern were observed. The polling staff did not check the identity of most of the voters, particularly the females saying they had been directed not to check the identity of the females. This provided opportunity to the mobile voters, in which females from other areas voted in the name of persons who had abstained from voting. The CCS team saw a number of Sumo vehicles without number plates moving in and around Budgam used by security forces and mobile voters.

In Utligam, residents alleged they were evading troops by moving from one place to another. By afternoon, the troops, people said, had asked the villagers three



times to vote or face their wrath. At Nasirpora on Khag Beerwah road, a group of men stopped the CCS vehicle. One Noor Mohammad Ganai said they were without electricity for the last two years as their demand for an electric transformer had fallen on deaf ears. "We have still voted, though under coercion, in the hope that transformer would be installed. They (soldiers) are making rounds of the village this time asking people to vote."

### **Phase III**

The third phase of parliamentary elections for Anantnag - Pulwama constituency was held on May 5, 2004. The Jammu and Kashmir Coalition Civil Society (JKCCS) constituted two teams to monitor the polls in the two southern districts of the Valley.

#### **Team members**

The team comprising K. Balagopal, Zahir-ud-Din, Vijayan M. J, G. Mohan and K. Anuradha toured Anantnag district, while the other team, which included Professor N. Babiah, V. Vasantha Lakshmi, Showkat A. Motta and Sajjad Hussain visited Pulwama district.

The teams visited a total of 37 polling stations in the assembly segments of Pulwama, Shopian, Pahalgam, Anantnag, Bijbehara, Homeshalibug, Tral and Pampore. As the hartal (strike) call given by the militant organizations was almost hundred percent successful, the habitations wore a deserted look. The festive atmosphere that accompanies polling all over India was conspicuously absent. In most places the only visible movement was that of the central armed forces and the state police. The forces patrolled the highways and the other roads connecting one village/town to another, as well as the villages/towns themselves.

The lower voter turnout was visible from morning till the evening. The total figure of 16 percent given by the state election commission indicates the low polling but does not convey the picture that the deserted polling booths and idling poll staff and agents conveyed to our teams. In many places the poll staff and agents were

basking in the lawns of the polling stations, and hurriedly got up and rushed into the polling stations upon seeing us.

At Arwani in Bijbehara only one vote out of 2295 had been cast at 2 pm when our team visited the booth. In Bijbehara itself, the hometown of the Chief Minister Mohammad Sayeed, in polling station No. 224, only one vote out of 1146 had been cast by 2:50 pm. But in Bijbehara 18B where the Chief Minister, his daughter and their kith and kin voted, 147 votes were polled out of 1306 by 3 pm. Though this represents a very low percentage by normal standards, it was the second highest out of the 37 booths observed by the CCS teams on that day.

In Tral, there was zero voting in five booths and five votes were cast in one booth by 2 pm. At Sherabad and Awantipora polling stations in Pulwama, not a single vote out of 646 and 946 votes respectively had been cast by 3 pm.

Badroo in Homeshalibug segment where 219 out of 1020 votes were polled by 2 pm representing less than 22 percent, was the highest observed by our team. But this was marred by vocal allegations of coercions by the Rashtriya Rifles troops. Right in front of the polling booth and before the presence of the soldiers, the villagers complained that two days prior to the date of polling, the men of RR directed the villagers to vote. And, on the date of polling they were pulled out of their homes and ordered to cast vote.

Such complaints of coercion by RR or BSF were heard by our teams at Pahalgam, Ashmuqam, Kadipora, Syed Sahib, Badroo, Pinglana, Arhama, Shirmal, Arigam, Pinjora, etc. In fact, it may be safely said that except the towns like Shopian, Bijbehara and Anantnag, the coercion complaint was heard in most of the places visited by our teams.

The uniform complaint of those who were coerced to participate in voting was that the soldiers took their identity cards away and they were asked to collect them only after showing the indelible ink mark on their fingers. Everyone knows how vital the possession of the identity card in Kashmir is. Anyone who does not have the card can be branded a "foreigner" and by implication a militant. The armed forces know this, and therefore they were sure that the person whose identity card has been taken away would vote if only to get the card back. This is most brutal method of breaking the will of the people.

Non-possession of the identity card could create a problem in the polling booth (in India) if the person has no other means of identification, but the poll personnel in Kashmir are being "kind enough" to permit persons to vote even if they have no means of identification provided only they can give the name and address correctly and look like the age given in the voters list. What could be taken to be a sympathetic attitude in different circumstances could well be a means of facilitation of the coercive tactics of the armed forces.

At Shirmal in Shopian, our teams saw a RR trooper taking some youth to the polling station. As soon as the soldier saw us he went away. Bashir Ahmed (45), an employee in Public Health Engineering Department told us that he was brought out of his home to vote despite being ill. Not surprisingly then, 29 votes had been polled in the villager by 10:40 am. The coercion complaint was even admitted by National Conference polling agent Mumtaz Ahmed Malik who justified it saying "Army has to bring them otherwise nobody is willing to vote."

At Arhama, as our vehicle entered the village, we noticed a gathering of people on the road. When we enquired from them why they were on roads, they said the soldiers forced them to come out and vote, and "so we have all gathered here". They said that a Press vehicle had preceded our team's vehicle in the village, and the army

men had gone away after seeing the vehicle. At Shopian and Badroo we were told that the soldiers had used the public address system of the mosques and shrines to exhort the people to come out and cast their ballot.

The people, everywhere we encountered, expressed resentment at being forced to exercise their franchise whether they like it or not. At Pahalgam, one youth said that he would have voted on his own, but he was angry that he should not be coerced to do so. At Ashmuqam villagers said the Border Security Force (BSF) who had coerced them to vote would go away after the polls, and the people who voted would have to face the wrath of militants who had put up posters asking people to boycott the elections. (As this final report was being compiled, we learnt that three youths who had worked as polling agents for PDP in Ashmuqam, were shot at and injured by suspected militants even after two months of the elections).

### **Reasons for resentment:**

The overwhelming reason for the anger was that the people who were coerced did not want to vote. The impression gained by the teams was that the decision to boycott the elections was widespread and spontaneous. When we enquired from the people as to why they did not want to vote, we received variety of responses. The most common was that elections did not offer solution to the Kashmir dispute, and that the people wanted freedom from "Indian occupation". It was said that having lost one hundred thousand lives in the struggle for freedom, there would be no meaning in participating in elections. Another response was that Kashmiris had seen the demise of democracy in 1987 and had no further faith in Indian democracy.

The other reason was dissatisfaction with the government. That despite promises employment had not been provided, that there were no roads, electricity, water, dispensary, ration depots, etc. was also cited as reasons by many for abstaining from voting. In many areas people complained that after the 2002 assembly elections the elected representatives never visited their villagers, not even for election campaign. In some villages it was said that even when the leaders visited the village a wall of security men surrounded them, and the people could not approach them. Many of the People Democratic Party (PDP) polling agents admitted that their party had not addressed the peoples' problems "and that is why people are boycotting the polls".

But when we asked the people whether they would have voted if the issues related to development had been addressed, they vehemently said that they would not vote even then. Thus it appears that the underlying reason for the poll boycott, which was widespread, was that participation in voting had no relevance or meaning for the main aspiration, which is "Azadi" from India.

Therefore, the 16 percent polling claimed by the State Election Commission is an exaggeration of the actual participation in the polls. While it is true that militants had put up posters calling for poll boycott, and indulged in violence at some polling stations, the disinclination to vote was genuine and widespread. In fact, in Tral area of Pulwama district, where polling, even according to the election commission was less than two percent, there was neither coercion by militants nor did we see any sign of armed forces. Coercive tactics whether used by the militants or the armed forces, violate the right of the people to respond to the electoral process in accordance with their wishes.

## **Phase IV**

The fourth and final phase of parliamentary elections for Doda parliamentary constituency was held on May 10, 2004. The Jammu and Coalition Civil Society (JKCCS) constituted two teams to monitor the polls in the two southern districts of the Valley.

### **Team members**

The team comprising K Balagopal, K Anuradha, V Vasantha Lakshmi, Nasir Khora, Ishtiaq Ahmed Dar and Saleem-ur-Rehman toured Doda and Kishtwar, while the other team, which included Professor N Babiah, Showkat A Motta, G Mohan, Sajjad Hussain, Mr Tantray, Manzoor Ahmed and Mohammad Taskeen visited Banihal tehsil of the mountainous district.

The Doda team spoke to people in the town and Kishtwar extensively on May 9, and toured Baderwah on May 10 to observe the polls.

The polls were preceded by substantial amount of violence by the militants. On May 7, the Block President of Doda, Mohammad Jameel, was shot dead. On May 8, in an IED blast, which was claimed by the Hizbul Mujahideen, three personnel of Indian Reserve Police were killed on the Doda-Baderwah road. On May 9, in a grenade attack opposite the civil hospital, the district information officer Doda was killed and 10 more were injured, some of them critically.

On the day of polling, there were a number of incidents of violence affecting the poll process. There was an explosion in Baderwah, an exchange of fire between the militants and the forces, and a grenade attack near Doda city. No casualty was however reported in these incidents.

The team visited 13 polling booths in Doda city, Baderwah town and the villages of Ghat and Seri. Ghat is in Doda tehsil and Seri in Baderwah tehsil.

Polling was dull in 10 of the 10 booths. In particular, in the three polling stations we visited in Baderwah town at about 1 pm, out of total votes of 820, 978 and

907, only 60, 27 and 30 votes respectively had been polled. Polling was however brisk in two of the polling stations in Doda city and in Seri in Baderwah.

Unlike in Kashmir Valley, the CCS team did not come across any specific instance of coercion by the armed forces aimed at forcing the people to vote. It was stated by town dwellers of Baderwah that such coercion may have taken place in the villages but no specific instance was told to us.

The CCS teams observed that a shutdown called by Hurriyat Conference and other pro-independence groups evoked a tremendous response from the people in Doda, Kishtwar, Baderwah and Banihal towns. All the shops remained closed and streets presented a deserted look.

In Banihal town, on Srinagar-Jammu highway, which is otherwise bustling with activity, even the roadside dhabas and tea stall observed a shutdown. Azadi sentiment was quite discernible and the impression was one of voluntary boycott in most of the areas in Banihal tehsil toured by the CCS team.

The team found that only one vote out of 608 had been polled in booth No. 4 in Banihal's Lamber area at 10.30 am. In the adjoining village of Asher, 116 votes had been polled by the time. Some voters however said they were coerced to come out by the soldiers of 17 Rashtriya Rifles. "I don't want to vote...but Army came to my house this morning demanding the (indelible) ink mark. They're still in my compound," said 48-year-old Ghulam Rasool, a vegetable seller.

In Tethaar village of Banihal, the CCS team came across three youths who had been forced to vote though their names did not figure in the voters list. Nissar Ahmed (card No. 049540), Fayaz Ahmed (card No. 001756) and Shakeel Ahmed (card No. 012907), said the soldiers of 17 RR had forced them to vote. "We've nothing to do with the voter list. We want only mark," the soldiers, according to the trio, told them. Though only 13 and 35 votes out of 883 and 752 had been polled in booth No's 2A and 2 of Teethaar at 10.30 am, the people expected the number to rise "in view of the coercion by the troops."

In Banihal, an area named Khari, about 20 km from the town deserves special mention as nobody from the media has gone there despite having witnessed a lot of bloodshed since the outbreak of conflict in 1989. In last year alone, we were told, about 200 people, mostly militants, have been killed by the Indian troops and paramilitary troops in encounters and custody. Dozens of persons have also been subjected to enforced disappearances—and the phenomenon continues unabated—in this small area, and ironically none has been reported by the newspapers based in Kashmir or Jammu. These startling figures forced the CCS team to dig deep.

We found the area—a "concentration camp" to be more precise—was surrounded by hundreds of soldiers from Rashtriya Rifles, Border Security Forces (BSF), police and the dreaded Special Task Force (STF) of Police. (In fact, every insider and outsider has to register himself/herself at a post of RR at the entrance of the area. It was only because of the presence of two civil society activists from Andhra Pradesh that we were allowed to enter in.)

At the entrance of the area, we observed a group of 20-30 gunmen sporting long beard and hair and wearing Khan Dress patrolling the streets. For a minute we took them as Afghan militants, but as some Indian soldiers followed them, it transpired to us that they were in fact the RR soldiers. We learnt that the soldiers had been dressing like Afghan militants so as to deceive the people who provide shelter to the militants. On seeing us the soldiers panicked and vanished through the streets. The BSF and STF personnel occupying the old and dilapidated houses followed suit.

As we moved in, Khari, which had observed a shutdown against the elections, an officer of STF, a Dogra youth from Jammu, and some RR soldiers followed us to listen to our conversation with the people, much to the chagrin of our colleagues from Andhra Pradesh. Somehow we managed to give slip to the officer and were able to talk to a group of youth.

“They (the soldiers) have literally turned our lives into hell,” an elderly man told the CCS team near the local Jamia Masjid (central mosque). “They barge into our houses during the day, in the dead of night, whenever they wish, without any reason.”

A man said his younger brother was arrested by the troops some years ago. “But we have stopped thinking about him,” he said. He said he didn’t even file an FIR. “We are thoroughly frisked while entering or leaving the area. How can we go to the newspapers with the photographs of our missing boys?”

We were told that custodial disappearances in Khari were “much higher” than any other part of Jammu and Kashmir. Only last month, the people said, two youths vanished in the custody. The fear among the people was such that nobody was willing to give details and photographs of the men who disappeared in custody. “Once you leave, we’ll have to face the music of the unruly soldiers,” the people said.

Militants, on the other hand, too have been committing human rights violations in Khari, an area dominated by Hizbul Mujahideen. Their main targets have been the people associated with pro-India political parties. A fortnight before the polls, people said a shopkeeper was gunned down for participating in an election rally of a mainstream party.

At 1.15 pm, when we entered into a polling station resembling a military post, we found that 170 and 168 votes out of 818 and 961 had been cast in the two booths at Arpichilan. The figures were startling as it included just a couple of females. On enquiry, a presiding officer said “they’ll be coming soon.” Requesting not be named, the officer added: “No one has voted willingly. I myself saw the soldiers dragging the men to this booth. Now it’s the turn of women. If you wait you can see for yourself how they’re brought here.”

“Hamari khamooshi sab kuch bayaan karti hai (our silence tells everything),” a 75-year-old bearded man to the CCS team at Arpichilan

As we were leaving, we noticed the RR troopers, mostly in civvies, herding the villagers to the polling station in Khari. Soon, a soldier came out a bunker insisting that we should meet their officer. Major Hameer from Gurgaon, as the officer introduced himself, was a 30+ smart young man spotting a long beard and hair and attired in a Khan Dress. “What did you observe in my area? How is voting going?” he asked. “Voting is going briskly and people are making a beeline to the booths,” we replied taking care not to offend the officer. He insisted that we give him a copy of the report we had made. On being told that we will do it in Srinagar only, the officer said, “Hope you will write positively.”

Willing vote was however cast in number of places like Bhorner, Nagam, Doligam, Gund Adalkote, Kaskoot, Nowgam and NAC Banihal.

The final official tally for Doda district has been given as 38 percent, but from what we observed, the pattern of voting was uneven. Due to the hilly terrain, access to villages is difficult, but we reliably learnt that voting was almost zero in quite a few villages like Shiva, Baboore. We noted that in the village of Ghat too, which we visited at 10 am, no one had voted (40 villagers from the neighbouring village of Armora who shared the same booth had however voted), and the mood was one of total boycott.

As the militants had indulged in considerable violence in the area, we made it a point to ask people we spoke to in Doda city, Baderwah and Kishtwar as to the likely effect of the fear of reprisals by militants. While people did not deny the fear created by the violence caused by the militants, a substantive number of persons said that they would even otherwise boycott the polls. One reason for this is that elections are irrelevant for the Kashmir dispute, whose resolution alone will bring peace to their lives. But a very striking answer was given by one Showkat Ali Najar, a former trade unionist of Kishtwar, and Maqsood Ahmed of the JKLF in Ghat village. Both of them said that in view of the ongoing talks between India and Pakistan, it was necessary for the people of Jammu and Kashmir, who dispute the state's accession to India, to abstain from voting. "Otherwise India will claim that people of J&K have accepted the finality of the accession by participating in the polls, and so the core issue will not be placed on the agenda of Indo-Pak talks."

The people also expressed their unhappiness at the continued underdevelopment of the Chenab Valley region. It was pointed out that in the only two development works undertaken, namely the Dulhasti and Baghlihar Power Projects, most of the jobs from manual to administrative have been given to outsiders.

However, the main reason for abstention of a sizeable number of people from voting is political, namely that voting is of no relevance to the solution to the basic issue, and may even strengthen the hands of India in claiming that the people of Jammu and Kashmir were well integrated with New Delhi and there is no dispute at all. When a specific question was put about the relatively better participation of people in the 2002 elections, it was said that at that time most people, perhaps including the militants, wanted a regime change in the state to get rid of the insensitive and indifferent National Conference government. "That does not mean that the soul of the freedom movement was forgotten or given up."

## ANALYSIS OF ELECTIONS

1. In contrast to the coverage of the 2002 Assembly elections which saw a plethora of media personnel, diplomats and other activists cover the polls the parliamentary elections in Jammu & Kashmir attracted far less attention. Thus apart from local journalists and much depleted team of monitors vast areas remained uncovered and as a result under-reported.
2. Level of Violence: Compared to 2002 Assembly elections the level of violence was much less. So much so that the Chief of the Indian Army Staff claimed that “the violence level is now a fourth of the violence during the Assembly polls (in 2002)”. (The Statesman April 27, 2004). The table below covering a period March 1 to May 10, 2004 corroborates this by showing that 338 people lost their lives. Of these more than half i.e. 178 were militants! Without going into the issue of how many were actually militants and how many non-combatants passed off as militants the fact of the matter is that security forces were more active than the militants. In contrast number of security force personnel killed was 51 whereas civilians’ deaths were 84. Under number of “others” are included 25 political activists. Not only were most of those killed by the security forces because more than fifty percent of those killed were militants but according to the chief of the Indian army there are no more than 1800 militants operating in Jammu & Kashmir. To put it another way capacity of the militants to coerce voters from not voting was vastly exaggerated. In contrast the freedom with which security forces operated was far greater. Although the Election Commission announced that BSF / CRPF was responsible for protecting the outer perimeter of election booths and police for maintenance of order inside the premises whereas army or RR for securing the area. The Election Commission had declared that the security forces are instructed not to ask anyone to go and vote our teams reported the following:



- i. Rashtriya Rifles was visible everywhere inside the villages but also seen “persuading” people to cast their vote. This was noticed at several places by the teams in more than one area during the course of the monitoring and was observed in all the four phases of polls. Which obviously meant that security forces didn’t heed the order of the Election Commission to desist from persuading people to cast their vote.
- ii. Even if we discount what people said inside the booths i.e. complaining that they were coerced into voting by the security forces what is interesting is that we tried to cross-verify the complaints. While in some instances we failed to find independent corroboration there were other instances where we were able to do so. Most vulnerable to such “persuasion” were those who either had someone in custody, or were implicated in some case or the other, or simply feared being implicated which means certain ruin (loss of jobs, hefty bribes etc).

Another proof of coercion that our teams came across was that in several areas people complained about the security forces confiscating their ID cards on the threat that these would be returned only when villagers show the indelible ink mark on their fingers. The significance of ID cards can only be understood if it is realised that in areas that are declared “disturbed” under Armed Forces (Special) Powers Act anyone found without an ID card becomes an automatic suspect and faces harassment at the hands of the security forces. In areas close to the LoC inhabitants have to carry their ID’s on their person.

- iii. All teams reported observing people being “escorted” by security force personnel. The fact that they chose to fall behind or simply scurried away on noticing our presence lends poignancy to our conviction. When some teams managed to confront the security forces about the villagers complaining of being forced to come and cast their vote they denied the charge vehemently. But were unable to provide any logical explanation as to why they were moving from house-to-house telling people they had come to escort them to the polling booth. Such activities were expressly forbidden by the Election Commission.
  - iv. Our teams came across sporadic evidence of coercion by militants through wall-posters as well as through use of landmine explosion before the start of polling to dissuade those desirous of casting their vote. It must also be noted that such instances were not reported from cities and townships.
  - v. Our teams came across areas votes were being cast by people who didn’t have voter ID cards. Elsewhere those who turned up for voting found to their surprise that their votes had already been cast! This was the case at Lassna polling station in Poonch-Rajouri belt of Jammu constituency.
3. Compared to the Assembly elections in 2002 instances of coercion were less this time around. But their frequency rose as one went beyond the cities and

townships. It was not unusual to find people conversing by roadside. Or discussing this with us even while the security force personnel were present in the vicinity.

4. In the areas close to the LoC or polling booths that serviced villages lying near the LoC report villagers protesting against being forced to vote. Infact a perusal of EC's report on percentage of votes cast block-wise reveals a peculiar feature. There is high turnout in areas lying close to the LoC, which also happens to boast of much larger deployment of security forces. Thus Uri, Gurez, Handwara, Kangan etc. This unusually high turnout in areas that boast of fairly high concentration of security forces reveals how election results can get distorted with very little effort. By ensuring high turnout in pockets even when otherwise fewer voters turn up to vote provides a telltale sign of management of elections. For instance in Anantnag constituency the average voting was 16% which could be ensured through high turnout in Noorabad block where reportedly 46.30% cast their vote, 32% in Dooru, 28% in Devsar and 25% in Shnagus. These areas lie close to Pir Panjal range where there is heavy concentration of troops.

In Jammu constituency which boasted 44% turnout Suchetgarh (54% and Chhamb (64%) situated on the border helped pushed the average. Or take Baramulla constituency with 36% turnout, which reveals that areas close to LoC such as Uri (58%); Gurez (55%); Lolab (36%); Karnah (41%) and Handwara (50%) boasted of high turnout! Take another example this time from Srinagar, which reported 21% turnout. Even this modest turnout was reached thanks to Kangan (41%); Budgam (42%); Chadoora (42%) and Charar e Sharief (59%). The last mentioned i.e. Chrar i Sharief has always bucked the trend in Jammu & Kashmir. When entire valley was engulfed in turmoil following arrest of Sheikh Abdullah in August 1953 Chrar alone hosted a public felicitation for the usurper Bakshi Ghulam Mohammad. This time too people came out on their own to cast their vote. However, the same level of enthusiasm was found missing elsewhere. Those who were voting even willingly didn't appear too enthusiastic. In some cases people voted to teach People's Democratic Party (PDP) a lesson. Infact butt of much complaints this time was not National Conference (as in 2002 Assembly polls) but it was PDP, which promised much but was seen as having failed to deliver on its promises. The high turnout in Ganderbal block from where Omar Abdullah lost the Assembly elections also revealed how the voters felt about PDP.

5. Even if all fears and evidence of coercion is discounted the average turnout of 34% is only the flip side of the fact that 66% didn't cast their vote. That is to say that twice as many people boycotted elections. The figure of those who boycotted would be higher were we to take into account the discrepancy in the electoral rolls, the nature of parliamentary elections where even non-state subjects can vote as well as higher than average voter turnout in areas close to LoC or the International Border which boast of fairly high concentration of troops and are more inaccessible than otherwise, to monitoring. If to this is added the discrepancy between electoral rolls of for Kashmir and Jammu then the figure of voter turnout would get discounted by atleast 10%.

6. Be that as it may. The extent to which situation differed between Assembly (2002) polls and the Parliamentary elections (2004) can be gauged from the pronouncement of the Chief Election Commissioner T.S. Krishnamurthy. Unlike his predecessor J. M. Lyngdoh who had declared that people had the right to canvass for votes as well as campaign for boycott the current CEC declared on April 2, 2004 that nobody would be allowed "to physically intervene to prevent voters in Kashmir from exercising their voting rights". He denied ever having said, "Poll boycott was a democratic right" and added that "we will in fact provide conducive conditions for every voter to vote if there is an organised campaign to prevent voters from voting". This statement was read by the police as a suggestion to crackdown on those advocating poll boycott. The very next day they went on to obstruct political leaders such as Yasin Malik, Shabir Shah, Javed Mir, Syed Ali Geelani, Shahidul Islam etc. from addressing meetings exhorting people to boycott on April 3,5,7,10,14,20,23,24,27 and May 8 2004. They were either detained in police station for the day or placed under house arrest so that they could not venture out of their house. When this was brought to the notice of the Election Commission they chose to turn nelson's eye. In other words the Indian Election Commission, which has otherwise been attempting to ensure "free and fair" elections in India and also upheld the right of people to campaign for boycott (as in Andhra Pradesh) chose not to follow the precedent set by them when it came to Jammu and Kashmir.
7. Finally lasting impression of election monitoring was not so much the division between people along party political lines. It was actually the division along the issue of boycott / participation. It was this that was the focal point of most discussions. This is to say that the agenda of discussion was one set by the issue subsumed under boycott i.e. an assertion that rather than election, which would resolve nothing a desire was expressed for being provided an opportunity to decide their future. This view was shared by many of those who cast their vote.

It is our considered opinion that the parliamentary elections in Jammu & Kashmir demonstrate once again the hiatus between the people of Kashmir on the one hand and Indian State on the other hand. For officials and Indian opinion-makers, the Parliamentary (2004) polls, were read as proof of "normalcy" returning. Whereas for those who called for boycott of election the fact that nearly 70% refused to cast their vote foregrounds the overwhelming desire of the people to self-determine their future. Be that as it may. What is certain is that under conditions of occupation 'free and fair' elections are inconceivable.

## **POLL BOYCOTT CAMPAIGN**

During the election period the pro-freedom parties had organized the election boycott campaign. The leaders from these political parties had alleged that their boycott campaign was disrupted for preventing them to speaking to the public on various occasions. We had monitored the boycott campaign also for which we are producing the table where in the readers can find the number of times these leaders were stopped and arrested by the government agencies.

<b>1<sup>st</sup> March 2004</b>	Police detained Hurriyat Conference Chairman Sayed Ali Shah Geelani and six others while they were travelling to Dooru in Varmul district to address a public meeting.
<b>22 March 2004</b>	Special operation group of police raided the house of Showkat Ahmed Ahangar; of Hurriyat Conference they beat up the inmates and ransacked household goods.
<b>3<sup>rd</sup> April 2004</b>	Yasin Malik, Shabir Shah and Javid Mir held at Baramulla
<b>5<sup>th</sup> April 2004</b>	Shabir Ahmad Shah and 12 of his associates were taken into custody at Sumbal.
<b>7<sup>th</sup> April 2004</b>	Yaseen Malik and Javid Ahmed Mir were arrested at Harwinton village in Tangmarg.
<b>10<sup>th</sup> April 2004</b>	Shabir Shah along with his associates was arrested at Pattan.

<b>14<sup>th</sup> April 2004</b>	Yasin Malik and Javid Mir arrested at Keeri Pattan.
<b>20<sup>th</sup> April 2004</b>	Shabir Shah arrested at Budgam
<b>23<sup>rd</sup> April 2004</b>	Shabir Shah arrested at Charar.
<b>24<sup>th</sup> April 2004</b>	Yasin Malik arrested at Budgam.
<b>27<sup>th</sup> April 2004</b>	Syed Ali Shah Geelani and Shabir Ahmed Shah were put under house arrest. Javid Ahmed Mir and Shahidul Islam were taken into custody for running anti election campaign.
<b>5<sup>th</sup> May 2004</b>	Shabir Shah, Yaseen Malik, Shiekh Aziz were held at Lal Chowk.
<b>8<sup>th</sup> May 2004</b>	Syed Ali Shah Geelani was arrested at Khanbal.

The period from the announcement of dates of election, CCS has documented the killings in the state of Jammu and Kashmir. For the interest of our readers we are producing the table where in the killings from 3<sup>rd</sup> March to 10<sup>th</sup> May have been recorded.

## **KILLINGS DURING PARLIAMENTARY ELECTIONS**

<b>Date</b>	<b>Soldiers</b>	<b>Militants</b>	<b>Civilians</b>	<b>Others</b>
Mar 3	4	3	1	1 prisoner
Mar 4	-	6	1	-
Mar 5	-	4	-	-
Mar 6		3	2	-
Mar 7		3	-	-
Mar 8	-	8	-	1 a dead body recovered
Mar 9	-	2	1	-
Mar 10	1	2	1	-
Mar 11	1	4	2	1 released militant & a political activist
Mar 12	-	3	2	2 a dead body recovered
Mar 13	-	5	1	-
Mar 14	-	3	--	-
Mar 15	-		6	
Mar 16	-	1	1	1 (retired police officer)

Mar 17	-	2	4	
Mar 18	-	7	-	1 political activist
Mar 19	2	3	-	-
Mar 20	1	9	-	1 a dead body recovered
Mar 21	2	2	1	-
Mar 22	1	6	1	-
Mar 23	-	1	-	-
Mar 24	-	4	1	1 a dead body recovered
Mar 25	-		2	-
Mar 26	3	3	-	-
Mar 27	-		2	-
Mar 28	2	2	1	-
Mar 29	1	2	-	-
Mar 30	-	3	-	-
Mar 31	-	4	-	-
April 1	-	-	2	-
April 2	2	-	2	-
April 3	2 ( 1 Army Captain)	-	-	1 unidentified dead body found
April 4	2	1	1	-
April 5	1	2	-	-
April 6	2	2	-	1 surrendered militant
April 7	-	1	1	1 govt. militant
April 8	7 (1 RR Captain)	5	10	-
April 9	-	2	3	-
April 10	-	2	1	-
April 11	1	4	-	1 political activist
April 12	-	3	1	-
April 13	1	2	1	1 SF informer & 1 dead body found
April 14	-	2	-	-
April 15	2	2	-	-
April 16	-	1	1	-
April 17	2	7	-	-
April 18	1	2	-	1 political activist
April 19	-	3	-	-
April 20	-	-	4	-
April 21	-	3	-	-
April 22	1	-	3	-
April 23	1	1	1	-
April 24	-	1	2	1 political activist
April 25	-	-	3	-
April 26	-	2	2	-
April 27	1	1	-	1 surrendered militant
April 28	-	1	2	-
April 29	-	-	1	-
April 30	-	4	-	-
May 1	-	3	1	1 Police found a decompose body

May 2	1	1	1	-
May 3	-	2	1	-
May 4	1	3	-	-
May 5	-	2	1	Police found a dead body
May 6	-	7	-	Police found a dead body
May 7	-	1	2	1 Political activist
May 8	3	5	1	-
May 9	1	1	4	1 Information Officer
May 10	1	4	2	1 Political activist
<b>Total</b>	<b>51</b>	<b>178</b>	<b>84</b>	<b>25</b>

We have given the official poll percentage in every area for the interest of our readers.

## 2 Jammu Constituencies – 44 %

<b>Jammu blocks</b>	<b>Number of votes cast</b>	<b>Poll percentage</b>	<b>Total number of electors</b>
<b><i>Samba</i></b>	33752	44 %	76707
<b><i>Vijaypur</i></b>	51186	49 %	104462
Nagrota	29662	47 %	63111
Gandhi Nagar	55493	35 %	158552
Jammu East	30219	34 %	88880
<i>Jammu West</i>			168638
<b><i>Bishnah</i></b>	41882	48 %	87254
<b><i>RS Pura</i></b>	38676	47 %	82290
<b><i>Suchetgarh</i></b>	34897	54 %	64625
Marh	28851	40 %	72128
Raipur Domana	42193	52 %	81142
<b><i>Akhnoor</i></b>	45550	54 %	84352
<b><i>Chhamb</i></b>	43095	64 %	67336

➤ *The highlighted blocks are located on the International / LoC*

## Udhampur – 42.9%

<b>Udhampur Blocks</b>	<b>Number of votes cast</b>	<b>Percentage</b>	<b>Total number of electors</b>
<b>Kishtwar</b>	23975	32 %	74924
Inderwal	21293	31 %	68689
Doda	26939	38 %	70892
Bhaderwah	38250	41 %	93293
Ramban	30733	42 %	73175
Banihal	22622	38 %	59533
Gullabgarh	27184	43.5 %	62492
Reasi	41448	44 %	94200
Gool - Arnas	22113	39 %	56702
Udhampur	40501	38 %	106582
Chenani	32490	43 %	75560
<b>Ramnagar</b>	37097	34.8	95612
Bani	20022	55 %	36405
Basoli	37251	52 %	71638
<b>Billawar</b>	32030	38 %	12324
Kathua	55458	45 %	84291
<b>Hiranagar</b>	55820	55 %	101491

➤ *The highlighted blocks are located on the International / LoC*

### Anantnag Constituency 16 %

<b>Anantnag Blocks</b>	<b>Number of votes cast</b>	<b>Percentage</b>	<b>Total No. Of electors</b>
Noorabad	25706	46.30 %	55521
Tral	1127	1.77 %	63700
Dooru	19238	32.0 %	60119
Devsar	19973	28.02 %	71281
Shangus	15450	25 %	61802
Anantnag	14041	18.02 %	77152
Pahalgam	10899	17 %	64117
Kulgam	10274	14 %	73387
Rajpura	9129	14 %	65212
Kokernag	8409	13 %	64690
Wachi	5312	10.51 %	50548
<i>Bijbehara</i>	5707	8 %	71343
Pampore	2744	5.25 %	52269
Homeshalibugh	2969	5.23 %	56770



<i>Pulwama</i>	2869	5.11 %	54838
----------------	------	--------	-------

**Ladakh constituency 68 %**

<i>Ladakh Blocks</i>	<b>Number of votes cast</b>	<b>Percentage</b>	<b>Total No. Of electors</b>
Kargil	49674	75 %	66233
Leh	55059	70 %	78656
Nobra	10170	71.5 %	14324
Zanskar	12295	52.4 %	23464

**Baramulla Constituency 36 %**

<b>Baramulla blocks</b>	<b>Number of votes cast</b>	<b>Poll percentage</b>	<b>Total No. Of electors</b>
<i>Uri</i>	37107	58 %	63978
<i>Gurez</i>	7911	55 %	14384
<b>Lolab</b>	27389	36 %	76082
<b>Karnah</b>	11977	41 %	29213
<b>Handwara</b>	36120	50 %	72241
Sopore	11690	15 %	77938
Sangrama	7070	15 %	47136
<i>Baramulla</i>	13426	18 %	74593
<b>Langate</b>	34133	36 %	49814
Kupwara	28343	35 %	80981
<i>Bandipora</i>	27127	38 %	71387
<i>Sonawari</i>	26947	34 %	79257
<i>Rafiabad</i>	19707	31 %	63571
<i>Pattan</i>	17491	25 %	64964
<i>Gulmarg</i>	17614	25 %	70459

➤ *The highlighted blocks are located on the International / LoC*

**Srinagar constituency 21 %**

<b>Srinagar blocks</b>	<b>Number of votes cast</b>	<b>Poll percentage</b>	<b>Total No. Of electors</b>
Kangan	21761	41 %	53078
Ganderbal	30600	45 %	68000
Hazratbal	6198	8 %	77478
Zadibal	2787	4 %	69687
Eidgah	3596	5 %	71930
Khanyar	3651	5 %	73021

Habakadal	675	1 %	67521
Amira Kadal	3909	5 %	78195
Sonwar	7679	12 %	63999
Batmaloo	15919	15 %	106129
Chadoora	22296	42 %	53040
Beerwah	17596	24 %	73319
Budgam	30544	42 %	72726
Khansahib	18340	29 %	63244
<i>Charar-e-Sharief</i>	36795	59 %	62366

- Charar-e-Sharief is unique in J&K. It was the only one to welcome Sheikh Abdullah's arrest