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# Reintegrating Kashmir's Ex-Militants: An Examination of India's Surrender and Rehabilitation Policy

### ARSHIYA BHAYANA

**ABSTRACT** The aim of any surrender and rehabilitation policy for militants is clear: To allow them the opportunity to lay down their arms and rejoin mainstream society, and ensure that recidivism is arrested. This issue brief examines the failures of past rehabilitation policies implemented in Kashmir. The brief gives a historical overview of a succession of surrender and rehabilitation policies attempted by the Indian Government to counter violent extremism in the Valley, and analyses why they have met with little success, if at all, in the context of the continuing recruitment into the militant movement.

#### INTRODUCTION

India has implemented various surrender and rehabilitation policies for militants in Kashmir, the first of which came in 1995. These policies aimed to motivate militants to surrender, and to reintegrate them into Kashmiri society. Each of these policies had built on its predecessor as a foundation; however, they have met with

little success in terms of achieving their goals of completing the socio-economic rehabilitation of the former militants and, overall, of decreasing recruitment into the movement. Indeed, official government data points to increasing recruitment into Kashmir's militant movement, as shown in Table 1.

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Table 1: Number of Recruits to Militant Movement in Kashmir<sup>1,2</sup>

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Recruitment	54	23	21	16	53	66	88	126	191

Source: Economic Times

The data shows an alarming increase in the number of youths joining terrorist outfits despite the deaths of hundreds of militants in anti-insurgency operations across the Valley following leader Burhan Wani's death in 2016. As military activity in the Valley has increased with campaigns such as Operation All Out, the recruitment of young militants is also being driven upward. This surge in recruitment highlights the inadequacies of kinetic operations in arresting militancy in the Valley, and thereby points to the need for comprehensive surrender and rehabilitation policies.

The recruitment rate in 2018 was the highest in over a decade.<sup>4</sup> This rise occurred despite government forces engaging in heightened anti-militancy efforts and massive state-wide crackdowns on insurgent networks strategically targeting the overgroundworkers (OGWs).<sup>5</sup>

Table 2 summarises data on the toll taken by the armed conflict in Kashmir, including the deaths of civilians, armed forces officers, and terrorists from 2007 to August 2019.

This brief aims to examine the past surrender and rehabilitation policies implemented by both the central and state governments in Kashmir. The rest of the brief is structured as follows: The next section gives a brief history of the earlier surrender and rehabilitation programmes implemented by India and examines the impediments to their success. The brief then examines Singapore's militant rehabilitation programme as a case study and model for other countries facing the task of tackling violent extremism. The brief closes with some recommendations.

### INDIA'S SURRENDER AND REHABILITATION POLICIES IN KASHMIR: A HISTORY AND CRITIQUE

 The first surrender policy was introduced in 1995 under the Governor Gen. K V Krishna Rao. Ex-militants were offered benefits by the State and Centre, including a fixed deposit of INR 150,000, a monthly

Table 2: Fatalities Due to Militancy in J&K<sup>6</sup>

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Civilians	35	35	20	20	30	20	15	70	90
Security Forces	70	25	20	60	50	45	90	65	95
Terrorists	256	121	81	92	109	110	162	222	267
Total	361	181	121	172	189	175	267	357	452

Source: South Asia Terrorism Portal

Note: Figures for civilians and security forces are approximate, as interpreted from a graph sourced from SATP.

stipend of INR 1,800, and vocational training. Surrendered militants were trained to be part of the Ikhwan Force, a pro-government militia, and were paid for their services. Between 1994 and 1998, these pro-government militias played an integral role in counterinsurgency campaigns by helping identify wanted militants.8 However, the cost of the Ikhwani project was that the Ikhwanis found themselves being targeted by former militant allies, resulting in a new and hostile political environment. These costs of the Ikhwani project, in conjunction with the failure in delivering the monetary benefits and vocational training to

- surrendered militants, rendered the 1995 policy ineffective.<sup>9</sup>
- The next policy set in 2004, under then Gov. Narendra Nath Vohra, was made applicable to both militants with weapons, and those involved in heinous crimes called "hardcore militants". Under this surrender policy, former militants were entitled to INR 150,000 which they can claim three years after their surrender, subject to good behaviour. There were monetary incentives for surrender of weapons and ammunition, and a stipend at the rate of INR 2,000/month was promised for a period of three years. Many of the

Table 3: Incentives for surrender of weapons and ammunition:10

Weapons	Incentives				
AK 47/56/74 Rifle	INR 15,000 / weapon				
UMG/GPMG/Picca/RPG/Sniper Rifle	INR 20,000 / weapon				
Pistol/Revolver	INR 3,000 / weapon				
Rockets	INR 1,000 / rocket				
Grenade / Hand grenade / Stick grenade	INR 500 / grenade				
Remote control device	INR 3,000 / device				
Ammunition of all types	INR3/round				
IED	INR 1,000 / each				
Mines	INR 3,000 / mine				
Explosive material	INR 1,000 / KG				
Wireless Set	INR 1,000 / short-range; INR 5,000 / long-range				
SAM Missiles	INR 20,000 / weapon				
Satellite phone	INR 10,000				
VHF/HF Communication sets	INR 5,000				
Electronic detonators / Other detonators	INR10/INR5				

The term 'hardcore militants' refers to ex-militants involved in heinous crimes such as rape, abduction, murder and who are entitled to benefits only after legal action has been completed and the person is declared innocent.

surrendered fighters were also absorbed in central paramilitary forces and Territorial Army (TA), which is the second line of defence after the Regular Indian Army. The monthly stipend was discontinued once the ex-militant secured any employment. The money could also be utilised as collateral security/margin money against loans to be availed by the ex-militant from any bank for self-employment. However, in case the ex-militant is able to secure a government job, this amount shall not be given. 11 This policy was effective insofar as it introduced incentives for surrendering weapons and ammunition and provided monetary benefits to over 200 ex-militants in the form of cash and stipend.<sup>12</sup>

The next policy, formulated in 2010, was also implemented by Gov. N. N. Vohra. It was intended to facilitate the return of exmilitants who belong to J&K state and had crossed over to PoK/Pakistan for training in insurgency but eventually quit. It was applicable to those who went to PoK/Pakistan between 1 January 1989 and 31 December 2009; their dependents were also eligible for consideration under the policy.<sup>13</sup> There was also a mention of wives and children of militants being lodged in counselling centres where they were debriefed, and proper documentation was provided. Various accounts reveal the shortcomings of this aspect, with families of ex-militants still appealing to the government to receive adequate documentation.14

The policy gave militants four routes for their return and surrender: Chakan da Bagh - Poonch district; Salamabad - Baramulla district; Indira Gandhi International Airport - New Delhi; and Wagah-Attari in Punjab.

Most militants, however, chose to return through Nepal. According to media sources that interviewed central intelligence agencies, the militants avoided the designated routes fearing scrutiny from Pakistani terror outfits and the Inter-Services Intelligence (ISI), Pakistan's intelligence agency, which could have tracked them if they left POK through the official transit points.15 Omar Abdullah, former Chief Minister of J&K, said at that time that the state government was pushing for Nepal as one of the Points of Return. However, New Delhi refused to include return via Nepal as an official route, 16 resulting in subsequent unrest amongst the ex-militants as the government failed to fulfil its commitment to rehabilitate them suitably. Media reports said the surrendered militants who had crossed over from Pakistan were denied even necessities like ration cards and identity cards, as a result of which many of them would eventually rejoin the militant ranks.<sup>17</sup>

Upon the advice of the J&K Gov. S P Malik, the revisions to the surrender and rehabilitation policy were revisited by the government in 2019. Along the scope of the 2018 policy, the draft of the 2019 policy, too, includes a INR 6,000 monthly stipend for those who surrender but excludes hardcore militants involved in heinous crimes. This new policy puts stronger emphasis on socio-economic reintegration. Under this policy, returning

militants were called 'renouncers', and were entitled to a fixed deposit of INR 500,000 or INR 600,000, contingent on good behaviour for a period of three years. They could also apply for self-employment under the Pradhan Mantri Kaushal Vikas Yojana (PMKVY)<sup>b</sup>. S.P Vaid, Director General J&K Police, stated the importance of social and economic rehabilitation and emphasised on the training the surrendered militants will receive that will make them employable and result in their successful rehabilitation.<sup>20</sup>

### What Has Gone Wrong?

The key considerations in formulating policies include the monetary incentives, the safety and security benefits guaranteed to militants and their families, and the existing societal attitudes towards reintegrating former militants into the mainstream. What were the most crucial weaknesses in the state and central governments' past surrender and rehabilitation policies?

# 1. Political intervention impacting the delivery of social and security benefits:

There have been several instances in which both the Central and State governments failed to provide adequate security to the militants following their surrender; nor were the promised benefits delivered. These shortcomings not only instill fear amongst militants regarding threats from their terrorist outfits but also jeopardise their and their families' social and economic situations following their surrender.

a) Insufficient documentation provided to exmilitants and families. Recently, there was widespread restiveness among the Pakistani wives of former Kashmiri militants who returned to the Valley across the LoC with their husbands under the past rehabilitation schemes. In July 2019, the women appealed to both the Centre and J&K governments to either grant them Indian citizenship or deport them. <sup>22</sup> They alleged that the state government was denying them travel documents to visit their families in Pakistan and PoK. The women appealed to the centre and state governments to be granted citizenship rights and identification documents, or else to be deported.23 They also filed appeals to the United Nations and various human rights organisations to intervene on their behalf.<sup>24</sup>

Much earlier, issues around identity documentation already arose from the 2010 rehabilitation scheme which was ambiguous regarding the approved routes for return. Instances like this reflect how the identity and social status of ex-militants' families is subjected to sabotage in the process of executing rehabilitation measures that fail to take them into consideration.

b) Inadequate efforts at delivering the promised monetary incentives. Abdul Munaf Malik, former commander of Hizbul-Mujahideen (HM)<sup>c</sup> has been quoted in reports as saying that many other militants like him who have left militancy felt "cheated" by the unfulfilled promises under the surrender and rehabilitation scheme. He surrendered before

b PMKVY is the flagship scheme of the Union ministry of skill development and entrepreneurship to enable youth to take up industry relevant skill training that can help them secure better livelihood.

c Hizbul-Mujahideen is a pro-Pakistani militant organization that seeks for the integration of J&K with Pakistan as an Islamic state.

an SSP<sup>d</sup> in April 1999, and thereafter worked for eight years as an SPO. As an SPO, Malik helped security forces eliminate over 40 insurgents, until his services were terminated after some local politicians connived against him. Malik did not get the promised fixed deposit, monthly stipend, or any vocational training as was promised. He now works as a part-time contractor to provide for his family, admitting to a sense of frustration that makes him want to go back to a life of militancy. As an appart to the provide for his family, admitting to a sense of frustration that makes him want to go back to a life of militancy.

Not only do these failed promises cause financial hardships for militants and their families, but being denied identity documents is likely to result in social stigma as well as psychological distress. Furthermore, the label of 'surrendered militant' on all identity papers which are required for police and job verification becomes a barrier in achieving complete social reintegration.

2. Civic and societal intervention affecting reintegration: The scope of political intervention extends to policies providing monetary incentives and social benefits to disincentivise militancy. However, it is also important to discuss the extent of social intervention which is crucial in achieving the complete rehabilitation of returned militants. There are various factors influencing the implementation of surrender and rehabilitation policies.

**a) Parental Influence.** On 1 April 2018, Aitmad Hussain Dar, a 28-year-old HM militant was

killed along with his four accomplices in a gunfight in Kachdoora district in J&K. In a last phone call made by Aitmad to his family before the encounter, he pleaded for forgiveness and asked them if he should surrender. Aitmad's father told him to escape if he could. If the could about this aspect of the behaviour of parents of militants towards surrender. She discussed how parents may be driven by ideological reasons, believing that their children have set out on the righteous path for jihad. Another reason could be the social stigma associated with the word "surrenderee" and "ex-militant", both carrying notions of defeat.

To be sure, there are many other Kashmiri parents who ask their children to surrender. Twenty-year-old Majid Khan was a bright student and a popular football goalkeeper when he joined the Lashkar-e-Taiba (LeT) in 2017. Eventually, his parents became the public face of fathers and mothers who intervene to have their sons back home from militancy. Social media only magnified the impact of the influence of Majid's parents. What is clear is that families have a crucial role in the effective implementation of any rehabilitation policy.

**b)** Social stigma associated with exmilitancy. Social ostracism, in nexus with societal labels of 'collaborators' or 'traitors', results in prolonging, or even nullifying the process of social reintegration. As discussed earlier, benefits promised by rehabilitation

d Senior Superintendent of Police

e Special Police Officer

f https://www.ndtv.com/video/shows/reality-check/new-threat-in-kashmir-parental-sanction-for-terrorism-483204?yt

schemes such as vocational training for jobs often fail because of the status of an exmilitant disclosed on identity documents which results in discrimination against them. This status is a burden not only for the exmilitants but also their families who often are ostracised. While disclosing the history of offenders is reasonable and is practiced in criminal justice systems worldwide, it is important to consider the extent of disclosure necessary insofar as it does not inhibit social reintegration of these "offenders". In addition to the social burden of a criminal record, the employability of those who had been incarcerated at one point in their lives is affected by a gap in employment experience, possible disintegration of social connections, and an inability to network to find potential jobs.<sup>32</sup> Even before incarceration history is revealed, an ex-militant is already discredited because of lack of employment experience.<sup>33</sup> However, upon the discovery of their criminal record, there is a higher likelihood of them being discriminated against based on their past, therefore defeating the purpose of socioeconomic reintegration.

D.J Harding studied three models of disclosure - (i) no disclosure, (ii) full disclosure, and (iii) conditional disclosure. Of the three, 'conditional disclosure' refers to releasees who conceal their criminal history until an opportune time, often after having demonstrated their value as employees. Those who bear a stigma choose who to reveal their status to. For example, a former prisoner may disclose their record to an employer, but not to coworkers or casual acquaintances to avoid discrimination. As stated in a human rights report by the Australian Government, if a criminal record is relevant to a position, and an

employee decides to volunteer information or is asked, they still may not have to disclose the complete criminal record.<sup>35</sup> The information they are required to disclose depends on a variety of circumstances as well as the profession. A few professions which ask for criminal records may be as follows: public office holders, doctors, lawyers, and correction officers. The concept of conditional disclosure is mainly applicable to the formal sector, and not relevant for jobs in the informal sector as well as for government jobs since the government would anyhow have the record of the ex-militant. Nevertheless, to effectively achieve social reintegration, advocating the practice of conditional disclosure is important since it provides second chances to those already disadvantaged in society.

**c.** Harassment of militants' families. There is no dearth in anecdotal evidence pointing to how militants' families are harassed by the local police and armed forces, or sometimes even put under long periods of detention. Mohammad Asadullah Naikoo, a 70-year-old man from South Kashmir's Pulwama district, recounted the harassment endured by his family ever since his son, Reyaz Naikoo became de-facto commander of HM. The night raids by the police, followed by abuse, beatings, and multiple undocumented detentions became the norm for their family. In addition to these acts of harassment, the government has been unable to deliver the promised incentives to the ex-militants' families. Several other accounts from ex-militants also highlighted their dissatisfaction with their post-militancy lives because of the undelivered promises; many are denied documentation, and their children are rejected by schools.<sup>36</sup>

The strife in Kashmir Valley has produced at least 20,000 widows and 1500 'half widows' since 1989. 37 The sudden loss of the head of the household, in conjunction with estrangement from relatives and loss of a support system due to social ostracism are two of the many burdens that befall the wives of militants. In addition, struggles arise from having to look after children and elderly in the family alone, as well as the lack of financial awareness such as about property rights or access to pension. After the increasing incidents of harassment cases of militants' families, former Chief Minister of J&K Mehbooba Mufti asserted that it is Governor Malik's responsibility to issue directives to security forces to refrain from harassing them.<sup>38</sup>

### **CASE STUDY: SINGAPORE**

Singapore is a multi-ethnic state which strives for the development of a national identity independent of ethnicity and religion. It has experienced radical Islamist militancy, resulting in the establishment of a rehabilitation programme after successive arrests of suspected members of the regional terrorist organisation Jemaah Islamiyah (JI)<sup>g</sup> in 2001 and 2002. Singapore's terrorist rehabilitation programme can serve as a model for other countries fighting violent extremism.

The case study section of the brief entirely refers to a research paper by Rabasa et. al., titled Deradicalizing Islamist Extremists. The study describes Singapore's programme, consisting of four components: psychological rehabilitation; religious rehabilitation; social rehabilitation; and community involvement

and family support. The rehabilitation process begins in prison, where detainees are regularly assessed by psychologists. Family visits, which are allowed once every week, also serve as therapy. The aim of these counsellors is to make the detainees realise that they had been brainwashed by JI and were blinded by wrongly interpreted religious teachings.

Singapore's programme also includes engaging the extremists in theological discussions by mainstream scholars so they can be taught that their radical interpretation of Islam is incorrect and to accept an alternative, mainstream interpretation. The religious counseling is meant to open the minds of the detainees to a more inclusive understanding of Islam. Interlocutors seek to correct misinterpreted religious concepts such as al wala' wal bara (loyalty to God and Muslims and disavowal of infidels), jama'ah (community), bai'ah (the oath of allegiance to leaders), ummah (the Muslim community), jihad, and daula Islamiyah (the Islamic state). 40

Singapore's programme comprises all integral components ensuring successful rehabilitation: efforts to break a radical's pragmatic and ideological commitment to an extremist group; continued support and monitoring after the individual completes the formal programme; and the role of credible interlocutors to discredit radical Islamism.<sup>41</sup>

Singapore's rehabilitation programme is generally considered a success, primarily because it resulted in a decline in the recidivism rate. Prof. Gunaratna, head of the international Centre for Political Violence and

g JI is a Southeast Asian militant extremist Islamist group dedicated to the establishment of an Islamic state in Southeast Asia.

Terrorism Research who works closely with Singapore's national security and law enforcement agencies, stated that being a multiracial society, Singapore excels in community engagement that prevents extremism. He discussed how terrorists often tend to isolate themselves from society upon being released from prison, but social and family rehabilitation helps them reintegrate. 42 The efficacy of this programme is such that from 2001 to 2013, over 60 terrorists were arrested and as of Aprill 2017, Prof. Gunaratna states, only four remain in custody. The study also notes how the rates of recidivism have been extremely low because the process of release is thorough, and the individual is released after several rounds of psychological evaluation as well as upon the approval of the Ministry of Home Affairs and the Cabinet.

To be sure, Singapore is a modern city-state that can deploy capabilities that may not be available to much larger, less organised polities such as the volatile state of Jammu and Kashmir. Singapore has clear advantages over developing regions like J&K: advanced technology, the presence of professionally run psychological centres, and adequate funding to run them. However, Singapore can still serve as an example of how best to implement programmes aimed at countering violent extremism.

## CONCLUSION AND RECOMMENDATIONS

The effective social, economic, and political reintegration of ex-militants in Kashmir must be informed by the crucial lessons of Singapore's rehabilitation model, as well as building on India's past rehabilitation policies.

The following are some of the most important considerations for India.

- 1. Even before the process of rehabilitation, recognition of 'ex-militants' as those previously part of terrorist outfits is integral as only after this recognition can they be eligible as beneficiaries of the rehabilitation policies. The foremost issue is recognising those ex-militants who returned to the Valley from Nepal, an unofficial route, and were not entitled to benefits of the rehabilitation policy despite several pleas to the Home Ministry for approving Nepal as an official route for return. <sup>43</sup>
- 2. The stigma of being labelled an "exmilitant" is counterproductive to peaceful resettlement post-surrender. It is necessary to conduct awareness programs regarding the status of an ex-militant—not only for the former fighters themselves, but for society at large. Furthermore, providing adequate official identity documents to militants and their families in a respectful and timely manner would alleviate issues in their postmilitancy lives.
- 3. Exercising conditional disclosure on official identity documents should be encouraged to minimise work-place discrimination for already disadvantaged people and to ease their reintegration into society.
- 4. Targeting Over Ground Workers (OGWs)

  -who are responsible for keeping a watch
  on the movement of security forces,
  arranging hideouts for militants and also
  providing logistics support to them—

would help in a successful crackdown of militancy. The J&K police forces have been making efforts to revise the list of suspected OGWs and has called in many of them for questioning in districts as part of their efforts to cut the support network of militants. 44

- 5. As disclosed by some ex-militants, many promises made under past rehabilitation programmes have been left unfulfilled, and many illegal detentions were unreported. Police should undertake proper means to document every interaction with not only ex-militants but also their families to minimise the harassment encountered by them.
- The signature of the government on rehabilitation programmes should be minimal. There should be increasing civic leadership with experienced NGOs and youth organisations receiving requisite funding and quiet political backing. The less the name of the government is visible in the rehabilitation schemes, the lesser chances of the policies being scrutinised for being politically motivated, and the better results for confidence-building initiatives. However, the programmes would require legal clarity and infrastructure, for which clearly laid-down legal guidelines as well as adequate funding would be necessary.
- 7. As incorporated in the scope of rehabilitation policies in the past, it is crucial to analyse the mental health status of surrendered militants. This will help understand whether the causes of their

- delinquency are attributed to the social environment surrounding them, or the psychological distress present from mental health issues. These will require different ways to tackle the process of rehabilitation so as to eliminate recidivism and advocate complete reintegration into society. Some strategies for efficient psychological counselling could be acquired from the Singapore model as well, such as family visits and help in navigating various emotional stages.
- Perpetual violence, coupled with curfews and shutdowns, has repeatedly disrupted education in Kashmir. The J&K government has responded by repeatedly ordering educational institutions, particularly colleges, to remain closed as a precautionary measure against violent outbreaks. Exams being postponed and syllabus relaxations are the norm in schools and colleges in the Valley. Educationists fear that if schools and colleges remain shut, the increasing number of uneducated and unemployable youths will further push Kashmir into fostering radical violent ideologies as directionless youth would make easy targets for terrorist groups. 45 It is important to consider the safe, sheltered environment schools could provide for youths in violent times provided there is adequate deployment of security forces as well as vigilant supervision of the school staff. Deployment of security forces near school and college districts would lessen the threat of going to study and the safe environment would incentivise more students to attend school. Additionally,

- school environment is an ideal place for the teachers to observe the violent, deviant streaks in adolescents, for which suitable measures could be taken.
- As studied in Singapore's model, it would prove useful to tackle Islamic extremism by having interlocutors correct the misinterpretations of religious teachings to promote an inclusive understanding of Islam.
- 10. An agency should be established within the Central government to not only

- monitor the efficacy of the rehabilitation programme but also to bring together effective techniques from other ongoing programmes in the Northeast and Naxal areas.
- 11. Finally, when militants are released from rehabilitation centres, it would be beneficial to conduct occasional checks on them to guard against recidivism. This method is being widely studied by scholars, and has been implemented internationally for tackling radicalisation in prisons. ©RF

### ABOUT THE AUTHOR

**Arshiya Bhayana** is a former Research Intern at ORF.

#### **ENDNOTES**

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