

Victim Assistance in India: then and now

| India | 1 | 2 | 3 | 4 | 5 | 6 |
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| According to LM 99/00 | | • | | • | • | • |
| According to LM 2002 | | • | | | | • |
| According to LM 2003 | | • | | | | • |

Key Developments (LM 2002): In December 2001, India began laying antipersonnel and antivehicle mines along its 1,800-mile border with Pakistan. This is apparently one of the largest mine-laying operations anywhere in the world in years. There have been numerous reports of civilian casualties, raising concerns about the effectiveness of the measures taken to protect civilians, as required by CCW Amended Protocol II. There is also concern about possible Indian use of non-detectable mines. There were at least 332 new mine casualties reported in 2001, and another 180 mine casualties reported between 1 January and 17 June 2002. India's Ambassador Rakesh Sood chaired the key Main Committee One during the Second CCW Review Conference and is now chair of the Group of Governmental Experts to consider the issues of explosives remnants of war and antivehicle mines.

Indicator 1: The extent to which information on mine victims' demographics and needs is available.

According to original study:

There are regular press accounts of landmine incidents and casualties in Jammu and Kashmir and elsewhere due to insurgent activities. Landmine Monitor has a list of twenty reported mine incidents resulting in deaths or injuries in Jammu and Kashmir in the nineteen months between February 1995 and August 1996. (This entry not in original study, but found in LM 1999.)

According to LM 2002:

In 2001, casualties occurred due to landmine use by both the Indian Armed Forces and militants. The exact number of casualties is not known, as there is no comprehensive data collection mechanism on landmine incidents in India. However, based on an analysis of media reports, information is available on at least 332 new mine casualties in 2001, of which 133 people were killed and 199 injured. Media reports tended to focus on military casualties. Of the 332 reported casualties, 225 involved military personnel or militants. Of the 107 civilian casualties, 32 were children.⁶⁸ In one incident, one child was killed and twenty injured when their school bus ran over a landmine.⁶⁹ Due to the remoteness and lack of transport and communication facilities in some of the mine-affected border areas it is believed that many civilian casualties are not reported.

In 2001, reported casualties were not confined to the Jammu and Kashmir areas. Incidents were reported in Assam. For example, on 31 July, six Bhutanese nationals were killed and eight injured in a landmine blast,⁷⁰ and on 5 August, eight soldiers and two civilians were killed when their truck ran over a mine.⁷¹ Other incidents were also reported in the states of Andhra Pradesh and Bihar.

In 2002, the media continues to report military and civilian landmine casualties. Between 1 January and 17 June 2002, 180 landmine casualties have been reported, of which 99 were killed and 81 injured, including 15 children.⁷²

The Indian Army maintains a website with statistics on civilian casualties in Kashmir. According to the data, in 2001, 133 civilians were killed and 2,120 injured due to landmines, IEDs and grenade incidents.⁷³ It is not known how many of these casualties can be attributed to landmines. However, the statistics do reveal an increase in casualties from 2000 when it was reported that 129 people had been killed and 1,258 injured in similar incidents.⁷⁴ In 2002, up to 31 March, 27 civilians are reported to have died and 290 were injured.⁷⁵

Indicator 2: The extent to which a national disability coordination mechanism exists and recognizes mine victims.

According to original study:

No information available.

According to LM 2002:

No information.

Indicator 3: The extent to which programs and services for the medical care and rehabilitation of mine victims are available.

According to original study:

The government reports, "The Army's Artificial Limb Centre at Pune plays an important role in the rehabilitation of victims of landmines in the broader framework of policies for the reintegration of such victims, which includes assistance for self-employment.... Indian medical agencies have developed prosthetics for mine victims. The most commonly used device is an artificial limb popularly known as the 'Jaipur foot.' India's assistance to mine victims under international programmes has also included assisting mine victims with the Jaipur foot. New advances in this field are being constantly examined, including development of artificial limbs using new materials derived from polypropylene technologies. The Indian corporate sector has also assisted in this process."

The Indian Campaign to Ban Landmines reports that in its field work, it appeared that landmine victims were given proper medical treatment and that every victim encountered was fitted with a prosthetic by the government or the military. (This entry not included in original study but found in LM 2000.)

According to LM 2002:

India has a system of free medical care for all citizens, however, in rural areas the quality and availability of services can be problematic.⁷⁶ In the mine-affected area of Jammu and Kashmir the State government has pledged to improve medical services in all health institutions in the State.⁷⁷ The government of India has also indicated its support for the rehabilitation of mine survivors and the role of the Army's Artificial Limb Center in providing prosthetics.⁷⁸

Several NGOs operate within Jammu and Kashmir assisting the population, including persons with disabilities, with medical care, rehabilitation, education and training.⁷⁹ The NGO ICNA Relief-helping Hand, for example, provides medical assistance through the Kashmir Surgical Hospital. The hospital provides medicines and surgical services, and has in-patient facilities, four ambulances, one operating theater, and sixty branch centers in refugee camps. In addition, there are five Primary Health Centers in refugee camps.⁸⁰

The New Delhi-based NGO, Ortho Prosthetics Care and Rehabilitation (OPCAR) runs camps in mine-affected areas such as Jammu, Kashmir, and Madhya Pradesh, to provide prosthetics to mine survivors.⁸¹

In Jammu and Kashmir, as part of Operation Sadbhavna, the Srinagar-based 15-Corps, in coordination with Jyot Charitable Trust under guidance from NEVEDAC Prosthetic Center, Chandigarh, is providing artificial limbs to disabled persons. As of January 2002, 198 persons from Kashmir have been fitted with artificial limbs, including some of the survivors of the 1971 and 1965 wars. The Jammu-based 16-Corps has assisted many survivors by providing prosthetics, including 35 children.⁸² However, it is not known how many beneficiaries of these programs were landmine amputees.

In January 2002, an Indian orthopedic team arrived in Kabul, Afghanistan, with one thousand artificial limbs, which were available free-of-charge for amputees. The prosthetic legs, fitted with the so-called Jaipur foot, were provided by the BMVSS charity based in Jaipur. The program is funded by the Indian government.⁸³

Indicator 4: The extent to which programs and services for the social and economic reintegration of mine victims are available

According to original study:

No information available.

According to LM 2002:

The government has announced that compensation will be paid to casualties of military related explosions. For example, for casualties who are killed the payment is five lakh rupees (US\$10,415), and a maimed person will receive 75,000 rupees (US\$1,560). However, for a civilian injured in a landmine explosion on the border the payment in the event of death is as little as one lakh (US\$2,083), and for a civilian permanently disabled the payment is no more than 10,000 rupees (US\$208).⁸⁶

Indicator 5: The extent to which mine victims are protected and supported by effective laws and policies.

According to original study:

No information available.

According to LM 2002:

According to the US State Department, with the adoption of the Persons with Disability Act,⁸⁴ a disabled rights movement is slowly raising public awareness of the rights of the disabled. The act provides equal rights to all persons with disabilities, nevertheless, the practical effects have been minimal in part due to a clause that makes the implementation of programs dependent on the "economic capacity" of the government.⁸⁵

Indicator 6: The extent to which there is a disability community advocacy network.

According to original study:

No information available.

According to LM 2002:

No information available.

Endnotes:

⁶⁸ Landmine Monitor collated data from 35 media reports between 1 January and 31 December 2001. Details of individual reports are available.

⁶⁹ "Schoolgirl Among 12 Killed in Kashmir Violence," *Reuters*, 8 September 2001.

⁷⁰ "Indian militants kill six Bhutanese nationals in landmine blast," *Agence France Press*, 31 July 2001.

⁷¹ "Tribal militants kill 10 in India's troubled northeast," *Agence France Press*, 5 August 2001.

⁷² Landmine Monitor collated data from 33 media reports between 1 January and 17 June 2002. Details of individual reports are available.

⁷³ "Civilian Casualties in J&K", <http://www.armyinkashmir.org/civilian.html> (accessed on 8 April 2002).

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ US Department of State, Bureau of Democracy, Human Rights and Labor, *Human Rights Report 2001*, March 2002, <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8230.htm>.

⁷⁷ "Mian Altaf for taking dental services to rural areas diagnostic facilities will be upgraded in all health institutions," 22 September 2001, at <http://jammukashmir.nic.in/view/sep222k1.htm> (accessed 20 June 2002).

⁷⁸ See *Landmine Monitor Report 2001*, p. 539.

⁷⁹ Details on the activities of these NGOs in 2001 was not available to Landmine Monitor. For a list of the NGOs see <http://www.kashmirgroup.freemove.co.uk/ngo.htm>.

⁸⁰ <http://www.reliefonline.org/kashmir/kashmir.htm>.

⁸¹ ICBL, *Portfolio of Landmine Victim Assistance Programs*, September 2001, p. 61.

⁸² Masood Hussain, "The Perpetual Minefield," *Kashmir Times*, 13 January 2002; see also "Artificial Limbs to Militancy Victims and Handicapped Persons in the Valley," at http://www.armyinkashmir.org/arm_people/artificial.html.

⁸³ Ian McWilliam, "Jaipur foot for Afghan amputees: Thousands have lost limbs during 20 years of war," *BBC*, 4 January 2002.

⁸⁴ See *Landmine Monitor Report 2001*, p. 539.

⁸⁵ US Department of State, *Human Rights Report 2001*, March 2002, <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8230.htm>.

⁸⁶ Anuradha Bhasin Jamwal, "Walking into the Death Trap," *Newsline*, February 2002.