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The Informative

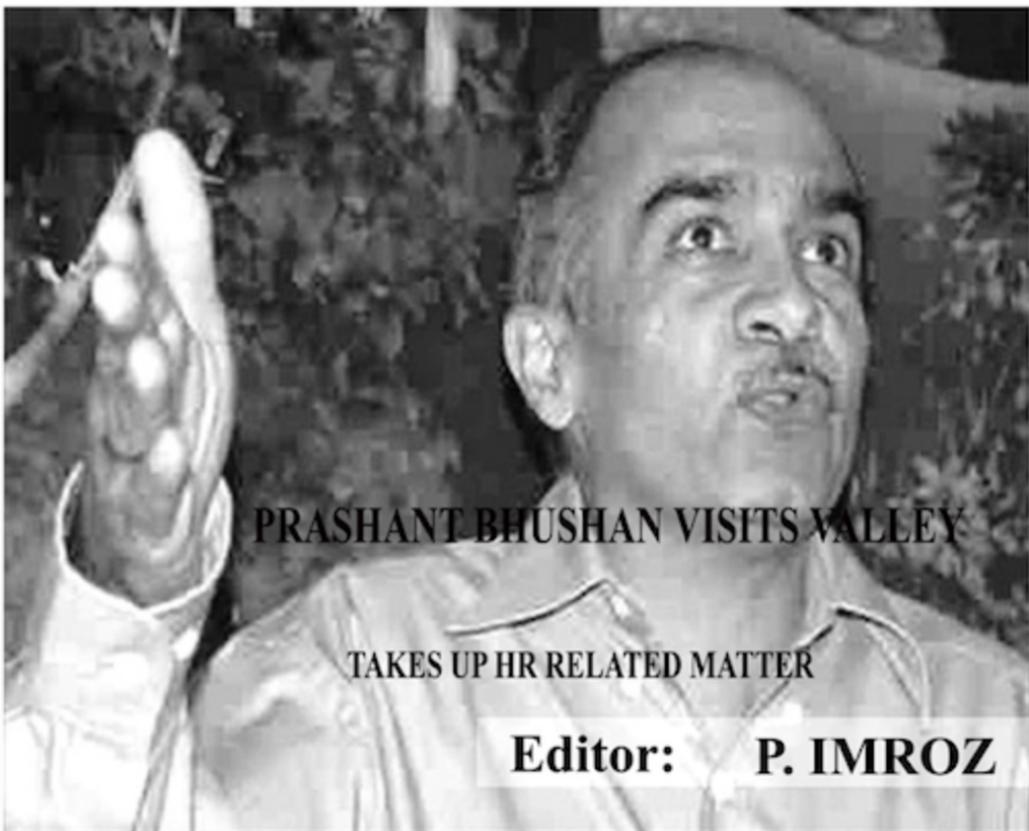


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PRASHANT BHUSHAN VISITS VALLEY

TAKES UP HR RELATED MATTER

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PRESSURES AND CONNECTIONS

The revelation made by daily Indian Express about the Crime Branch report indicting the serving Director General of Police then DIG Udhampur into the abduction and killing of three civilians in Malni, Doda on January 3, 1996 has raised lot of eyebrows and made jittery top police official involved in human rights violations. The media report was taken seriously by people particularly by human rights groups. The report was based on the investigation conducted by then ASP Bachan Singh Chowdhary on the orders of then DG Police and at the behest of National Human Rights Commission, which was approached by the victim families.

The Crime Branch report was published by a newspaper known for investigating journalism. The family comprised of mother and wives of the victims approached PCHR office for legal recourse, which was not available at Jammu or in Doda district. Three years before the Editor during his Doda visit happened to meet the only survivor Talib Hussain, who managed his escape from police clutches in this incident. The Editor unsuccessfully tried to convince the survivor for agitating the matter before the court of law. Nazira Begum widow of Fazal Hussain and mother of Fareed Hussain and Shaheena Begum widow of Mohammad Hussain Lone were willing to agitate the matter before the court by filing a petition for re-investigation according to the law.

The investigation conducted by the police was faulty because of the higher officials' involvement. Investigation has to be fair, just and in accordance with the law and where investigation is unjust and unfair and is in unlawful execution of statutory discretion the court could interfere, as it was fit case for judicial intervention. The investigation conducted by Crime Branch at the behest of National Human Rights Commission was subverted. Even the judges who acquitted the accused had passed strictures against the police. Different versions were made by the various sections of the society after the petition was filed. The disclosure made in the paper is the *inter see* rivalry in police organization and human rights organizations are being exploited for settling score by disgruntled police officials against the DG.

It has been the consistent position of the organization to agitate the enforced disappearance and other innumerable human rights violations cases before different courts. We have been providing free legal assistance to the victims whoever approached us. This case by no means is an exception. On the contrary, this high profile case was no opportunity to expose the *modus oprindi* of the police organization. The clandestine operations, their mindset and how the extensions of the police organization / non-state actors are used to perpetuate the crimes and execute the covert designs of the state. The only concern we have that how much pressure would be resisted by the families that too living in an inaccessible area, as we have the experience of people finally succumb to the pressures, threats, intimidation, concessions etc. The state has developed an art to neutralize the victims from last 20 years.

After filing the petition, it was listed before the court and since the DG police was made party in person the Hon'ble High Court instead of issuing notice to the respondents chose to direct the Advocate General of J&K state to assist the court in this matter before issuance of the notice. Something very unusual. Either court had to admit the petition or dismiss it.

On the next hearing, Mr. Prashant Bhushan, a prominent social activist appeared after he was requested by the civil society to be part of the matter, as he is known for agitating such public interest issues time to time in Indian courts. The participation of the Prashant Bhushan caused panic in the police organization, who are already disturbed by the petition filed against its chief. The presence of Prashant was more symbolic and strategic, it sent a strong message to the police organization. The matter is still *sub judice* before the court, what is very significant as far as this case is concerned that how the state and police organization tried to influence the family, lawyers and the media. We gave credit to the families to stand firm against request turned veil threats made to them by state functionaries. The families refused to budge and stick to their stand and reiterated that they are for justice and want to know the truth about the involvement of the DG and other officials into the killing and disappearance of their dear ones.

People from different sections of society, journalists (known and unknown), lawyers, politicians and even a section from Hurriyat Conference, office bearers of SHRC tried to persuade us from disassociating from the case and also for influencing the family to enter into a compromise. They were politely and firmly told that the prerogative finally rest with the families. They were conveyed that we cannot be helpful to them in this matter. This entire exercise indicates a deep nexus of police with different section of the society.

The important thing in this case is that it is for the first time such case where the officiating DG Police is indicted by the very police organization he headed involved into disappearance and killing of civilians is now a public issue. If there would be a re-investigation, as sought in the petition, it will open a Pandora box. It will pass a strong message to the police officials holding top position and involved in different sorts of crimes since 1989. They will feel that they are accountable for their omissions and commissions and nemesis can get them. The time factor which they perceive is in their favour, as people forget the events and accept injustice as *fait-accompali* is not always correct.

This message would be encouraging to the other relatives of victims, who know the involvement of the top police officials in the crimes committed but have chosen silence for their safety. They will be encouraged to come forward to take up the similar matters. This case would serve as trendsetter, as happened with coming forward of another family from Doda whose 8 members were killed. The family requested us to take up the matter in a similar way before the court. The question is not that how much DG Police was involved, but how fair was the investigation conducted. Not only in this case, but in other cases, where investigations conducted were nominal, mere formality and not according to the law of the land. The recent trend set by the judiciary in different states of India including the Apex Court of Indian after Ishrat Jahan's and Zaheera Sheikh's cases the law is in favour of the victims and they have to avail the opportunity of exploiting it for the justice. The perpetrators should not get away with the crimes they have committed, if it is to be stopped in future not here but elsewhere also.

PRASHANT BHUSHAN VISITS VALLEY

TAKES UP HUMAN RIGHTS RELATED MATTERS

On September 30, renowned Senior Supreme Court lawyer Prashant Bhushan visited valley on the invitation of JK Coalition of Civil Society (JKCCS) to appear in Baderwah fake encounter 1996, in which three civilians were disappeared and then killed by the police. During his two-day visit, he had detailed meetings with JKCCS, High Court Bar Association and also held a press conference. Prashant Bhushan lambasted army and paramilitary forces for commissioning unprecedented human rights violations. He said discovery of unmarked graves and nameless graves are concomitant with the impunity laws. Moreover, he strongly opposed the TRC call of Chief Minister into unmarked and nameless graves phenomenon.

Immediately after landing in Srinagar, Bhushan had a detailed meeting with JKCCS members. During the meeting, Bhushan was briefed about the fake encounter of three disappeared youth in Baderwah district of Jammu province in 1996 under the patronage of serving Director General of Police (DGP) Kuldeep Khoda. Besides, Bhushan had been apprised and informed about the role of state institutions while dealing with the human rights related matters. The JKCCS members took him through how the dissent has been stifled put under strict surveillance and the movements of human rights activists and dissident voices are monitored and curbed. Moreover, Bhushan had been acquainted about the current human rights situation in J&K.

Thereafter, Mr. Bhushan straightaway went to the court to appear in the fake encounter case of three disappeared, Fazal Hussain Dar, Fareed Hussain Dar and Mohammad Hussain Lone of Baderwah. But to his disappointment, Senior Additional Advocate General informed the court that the office of the Advocate General has not received any notice for the assistance of AG in the case from the bench. "The AG's office has no such information. Advocate General cannot appear in the case, as he has already boarded the plane," senior additional Advocate General informed the court. However, Prashant Bhushan put forth his arguments before the bench.

Then Mr. Bhushan had an afternoon meeting with High Court Bar Association. During the meeting, the bar members apprised the legal luminary about the functioning of judiciary while dealing with human rights related matters. Also the bar members deliberated upon the current human rights scenario of the state. The main highlight of the meeting was the difficulties and impediments the legal fraternity are facing while fighting for human rights issues. Prashant Bhushan after having a long interaction with the bar assured the lawyers of his active assistance in Kashmir related matters in Supreme Court and other courts at Delhi.

Thereafter, Bhushan held a press conference at a local hotel Ahdoo, which was attended by

human rights activists, writers and journalists. While talking to media persons, Bhushan urged for DNA profiling in the anonymous/unmarked graves and said unbridled impunity to forces under Armed Forces (Special Powers) Act (AFSPA) has led to thousands of such graves across the State.

"Primarily, I was here to appear in 1996 Baderwah civilian killing case, which was listed before High Court. This is one of the cases which indicates how large number of persons were killed in Kashmir over the years by forces", Prashant Bhushan, said.

He said in the particular (Baderwah killing case) involving death of three persons in a fake encounter, the charge-sheet was filed but subsequent trial ended in acquittal of the main accused because the initial investigation had loopholes.

Linking the Baderwah fake encounter case with discovery of unmarked and unknown graves in Kashmir, Bhushan said if the fourth person in the case, Talib Hussain, who escaped from clutches of the accused would have been killed, all the three persons would have been buried in an anonymous or unknown grave somewhere.

"That is why we say that anonymous grave issue, as reported by the SHRC in its investigation, is highly important to be probed. The DNA profiling should be done and it should be matched with the DNA profiles of the missing persons, whose list is available with APDP," he said.

He said Baderwah case is one such case, which can be re-investigated and perpetrators, howsoever influential, be brought to the book. "Because of the impunity enjoyed by armed forces under special powers like AFSPA, such crimes are repeated time and again".

Linking impunity of troops under special powers with mass anonymous graves, the legal luminary said this cycle of impunity needs to be broken. "It will be broken only when we can provide justice to victims by bringing culprits, howsoever big or influential they may be, to book. For this reason, we are demanding that AFSPA should be removed and DNA profiling of victims in unmarked graves be carried out," he said.

He, however, dismissed the proposal of Chief Minister Omar Abdullah to setting up Truth and Reconciliation Commission (TRC) to probe issues like unmarked graves. "It (TRC) won't serve any purpose. TRC has its uses but it cannot be a complete substitute for booking persons involved in heinous crimes. Here (in Kashmir) we are dealing with accountability of forces who have committed heinous crimes," he said.

The SC lawyer linked the mass graves issue with unresolved nature of Kashmir issue. "The longer the Kashmir issue festers, the larger number of forces would operate in Kashmir and it would result in

larger number of human rights abuses like existence of unmarked graves," he said.

POLICE CHIEF IN DOCK

FAKE ENCOUNTER CASE AGAINST HIM

On August 8, a news report "Civilians 'killed', 15-yr report back to haunt J&K DGP" appeared in Indian Express, an Indian national daily. The news report caused a stir not only in human rights circles but also in public domain. The incident: Three civilians were first disappeared and subsequently killed in fake encounter and later thrown into the Chenab river by police in 1996. For this news report Indian Express made its base a Crime Branch report, which indicted now serving Director General of Police (DGP) Kuldeep Khuda in killing three civilians, therefore, the news-piece invites larger attention.

On September 22, a petition has been filed in the J&K High Court, Srinagar by Parvez Imroz, a human rights lawyer on behalf of widows of two victims Nazira Begum widow of Fazal Hussain Dar and Shaheena Begum widow of Mohammad Hussain Lone.

According to Express, Bachan Singh Choudhary, who was then additional SP in the Crime Branch, has claimed there was clear evidence to show that those behind the killings enjoyed

Khoda's patronage, were accompanied by policemen, used weapons given by the police, and used a police truck to kidnap and subsequently kill the civilians.

According to Choudhary's report, on January 1, 1996, one Mohammad Ashraf, a surrendered militant employed as an SPO, accompanied a police truck to Batote, where he met Khoda, who was then DIG, Doda-Udhampur range.

Khoda instructed the driver, Shadi Lal, to stay with Ashraf. On their return from Batote, Ashraf and his associates "were provided arms and ammunition at Police Post Assar".

The report says that on January 3, 1996, Ashraf, his two associates, and his two PSOs, Baldev

He said conditions should be created conducive for political solution to the Kashmir problem.

Raj and Som Nath, took the police truck to Paranoo and Malani villages in Baderwah where they kidnapped four villagers, including a father-son duo.

Later that night, Ashraf and his associates stopped the truck near Prem Nagar by the Chenab, and escorted the four villagers to the river. Three were shot dead; the fourth, Talib Hussain, was pushed into the river, says the report. He survived, swam ashore and "exposed" the entire story, says the report. The bodies of the three who were shot could not be retrieved.

A year and a half after the incident, Choudhary was asked to investigate the murders by the then DGP Gurbachan Jagat after the victims' families approached the National Human Rights Commission. When contacted, Jagat, who is now governor of Manipur, said he does not remember the details of the incident.

Earlier, the police had registered a case of kidnapping and murder at Baderwah, and even arrested Ashraf, the prime accused, but had stopped short from probing the role of the police.

Choudhary completed his preliminary investigation on January 16, 1998,

and sent a detailed report to his bosses in the Crime Branch and to DGP Jagat. The report indicted Khoda and the then SSP, Doda, Kamal Kumar Saini.

"All hell broke loose after I submitted the report," Choudhary told The Sunday Express. "Every top officer went after me. I was shifted out of the Crime Branch within a week, and was pressured to relinquish charge immediately. I had investigated the case and brought out how the crime had been committed under Khoda's direct patronage. I had to suffer for doing so, and the cash was hushed up."

Choudhary said he was shunted out to the Railways within a week of submitting his report, and was later shifted to Kot Balwal jail.

SEQUENTIAL HIGHLIGHTS

- January 3, 1996: FIR filed: 07/1996 in police station Baderwah
- April 8, 1996: Family approaches NHRC
- Order passed by NHRC – [no date available]
- December 23, 1996: Police investigation led to a chargesheet against Mohd Ashraf before CJM, Doda and Abdul Sattar and Tariq Hussain
- December 23, 1996: CJM, Doda committed the case to the Sessions court
- June 24, 1997: DGP initiates re-investigation
- January 16, 1998: ASP CB, Bachchan Singh Chowdhary submits a progress report indicting Khoda
- July 1, 1998: Charges framed against Mohd Ashraf by Sessions Court, Baderwah. Also charged are: Tariq Hussain and Abdul Sattar but they were absconding
- November 12, 1998: ASP Shikha Goel confirms earlier progress report, and adds that there has been tampering by the police [This report is not available]
- November 8, 1999: Sessions Court, Baderwah, acquits the accused.
- December 4, 1999: CB final report and case closed.
- August 13, 2011: India Express reports involvement of Khoda.
- September 22, 2011: Petition filed in the High Court.

In his report, Choudhary had concluded that Ashraf “had gained free access” to senior officers including Khoda, and would travel in police vehicles with PSOs provided by the local police, “freely without any inhibition”.

After Choudhary’s transfer, the re-investigation was taken up by ASP Shikha Goel, who submitted a report on November, 12, 1998. The report referred to Choudhary’s report, and several other testimonies of police and civilian administrative officers. Goel’s report pointed to “tampering of evidence” by the investigating officer, and asked for a more detailed probe.

Finally, on December 4, 1999, the then SSP, Crime, Jammu, wrote to the then DGP, saying there were discrepancies in the statements made by the civilians and police officers during the Crime Branch re-investigation, and closed the case.

Subsequently, in a letter dated April 4, 2000, the NHRC said it had no further role as the case was already in court, and closed its own case as well.

Encouraged by the response the Express news report got, the victim families had taken up the matter with JK Coalition of Civil Society (JKCCS). The families were provided with legal assistance by the organization. JKCC, on September 22, filed a petition before the Hon’ble J&K High Court.

The petition points to questions raised by the sessions court regarding the “silence” of the prosecution on the role of the police – especially because a police vehicle, police personnel and arms were used for the kidnapping and subsequent murders.

END CULTURE OF IMPUNITY: APDP

Oct 28: Association of Patents of Disappeared Persons (APDP) called for a complete withdrawal of Armed Forces (Special Powers) Act (AFSPA) from the state of Jammu and Kashmir during its monthly sit-in protest. The association also called for punishment to perpetrators, shielded by the act, responsible for disappearing over 8,000 people. On the occasion the association released a press note which is being incorporated here in below.

“APDP feels that the recent announcement by the Chief Minister Omar Abdullah on the partial revocation of Armed Forces (Special Powers) Act (AFSPA) from some areas of Jammu and Kashmir would be insignificant for improving the human rights situation and also for providing justice to those affected by the mindless violence by armed forces.

In Jammu and Kashmir, the 8000 people who were subjected to enforced disappearance have not disappeared because of the imposition of draconian laws like AFSPA, but due to an institutional policy of repression, where even the draconian laws were defied. AFSPA requires the arrested persons to be brought before the district magistrate within 24 hours, which ofcourse has never happened in Jammu and Kashmir.

The Ministry of Defence in case of army personnel and Ministry of Home in case of

While acquitting the main accused Ashraf, Bhaderwah sessions judge Bihari Lal Bhat had termed the prosecution case as “strange” and asked why, if Ashraf’s conduct wasn’t good, he and his companions were provided with all kinds of police assistance including a police truck.

The J&K government has, however, remained silent, and Chief Minister Omar Abdullah has refused to comment.

The petition made mention of several alleged facts which, according to the petitioners, indicate Khoda’s culpability. Few questions raised in the petition like **a)** Then DIG Khoda met the main accused Ashraf and his associates before and after the triple murder. **b)** Khoda provided the police truck and ordered a police driver to be on duty with the perpetrators from January 1-4 1996. The alleged abduction and murder took place on January 3, 1996. **c)** Khoda provided the arms and ammunition used in the crime.

Parvez Imroz said soon after the killings the police started building pressure on the family not to come to public about the incident. Even lawyers in Jammu were not interested in fighting the case.

Supreme Court lawyer Prashant Bhushan too appeared in the J&K High Court as the victims’ counsel on 30 September 2011. He pleaded before Justice Hasnain Masoodi that J&K government “should show seriousness” in the case and expressed concern that the Advocate General of the J&K government was not present with all relevant records. The next hearing was fixed on 5 November.

paramilitary forces can give the prosecution sanctions under AFSPA after the state Government applies for the same. According to the state Government prosecution sanctions against armed forces have been applied only in 50 cases since last 22 years. When in Jammu and Kashmir we have more than 8000 cases of enforced disappearances, thousands of cases of custodial killings and fake encounters, thousands of cases of rape and molestation and thousands of cases of torture etc; applying for sanctions for prosecution in only 50 cases speaks volumes about the seriousness shown by the State Government so far for protecting the human rights of people of Jammu and Kashmir. Unsurprisingly the sanction by Ministry of Defence has not been granted in any case so far.

Politicians are giving an impression that human rights violations will end by the revocation of AFSPA, which is a deliberate attempt to hoodwink the international opinion. The fact is that Jammu and Kashmir Police has been an equal partner in crimes committed on the people. The Jammu and Kashmir Police personnel also have been responsible for a huge number of disappearances.

The armed Village Defence Committees (VDC), Special Police Officials (SPO), and the counter insurgent government sponsored private militias like *Ikhwan* have also been responsible for perpetrating

heinous crimes like disappearances. Which law allows the creation of these groups? Which law encourages them to perpetrate human rights abuses? Which law sanctions their impunity? It is the law of lawlessness.

Revocation of AFSPA from some areas would not help in ending the human rights abuses as the sense of immunity in the soldiers is not derived from laws but from the political culture of impunity, for which State Government and the Government of India are largely responsible.

PROSECUTION SANCTION SOUGHT UNDER AFSPA

Oct 19: Jammu and Kashmir Coalition of Civil Society (JKCCS) has pointed out "contradictions" in the figures furnished by the State Home Department and the Ministry of Defence regarding the number of cases in which sanction was sought for prosecution under the Armed Forces (Special Powers) Act in J&K since 1989.

According to the reply of the State Home Department to an RTI application filed by Jammu Kashmir Coalition of Civil Society, the state government has sought sanction for prosecution in 50 cases of human rights violations from Ministry of Defence and Ministry of Home Affairs. However, JKCCS claims that the reply contradicts with the figures provided by the Ministry of Defence to J&K High Court.

Out of these 50 cases, 31 pertain to Ministry of Defence and 19 others have been sent to Ministry of Home Affairs. Out of the 50 cases, sanction for prosecution under Section 7 of AFSPA is awaited in 16 cases and declined in 26 cases, according to the official reply.

"Surprisingly the State Home Department claims sanction for prosecution has been recommended in eight cases. It does not make it clear what 'recommended' means," reads the JKCCS statement.

The rights body claims that these figures contradict Ministry of Defence according to which only 35 cases from J&K have been received for prosecution sanction.

Apparently they have received four more cases than what is being claimed by the State Home Department.

KASHMIR: TEEN INJURED DURING CIVIL UNREST DIES

October 12: A teenage boy hailing from south Kashmir's Pampore township, who was injured during civil unrest last year, succumbed to injuries October 12 morning, his relatives told media.

Mazzafar Ahmad, 18, son of Ghulam Mohammad Mir had suffered a serious injury in his spinal cord and was suffering partial paralysis.

Last year, on September 13, Muzzafar received a bullet in his back while on way to tuition for matriculation examination from his residence in Kadlabal in Pulwama district, his relatives said.

He received a bullet that broke his spinal cord while protests in the area were going on against

Instead of this political performance, the government should help the processes of justice and help prosecute officials accused of disappearances. The mechanisms of justice which have been forced to not function by the state should be empowered to punish the guilty, which would be more meaningful for the family members of the disappeared.

We urge the Government of India to end the culture of impunity and not just AFSPA from Jammu and Kashmir."

"Furthermore, there is not even one case where sanction under AFSPA is granted for prosecution as per the affidavit submitted by Joint Secretary, Ministry of Defence on 5th June 2009 to the Jammu and Kashmir High Court in the case of Ghulam Nabi Magray Vs Union of India- writ petition no. 1842 of 2003."

Stating that over the last 22 years, AFSPA and Cr PC 197 has provided "absolute legal impunity" to the armed forces and Jammu and Kashmir police, the CCS statement said the contradiction between the state government and Ministry of Defence exhibits both "inefficiency and lack of any sense of accountability".

"Government of India claims that despite the imposition of AFSPA, mechanisms of justice are functional and delivered whenever anyone is found indulging in human rights abuses, but the facts provided by the state institutions contradict the claims of the Indian state."

Stating that Supreme Court of India had asserted that the provision of sanction under AFSPA should be strictly adhered to, JKCCS said in J&K policy of "total impunity of government" is demonstrated through this "total denial" of sanctions under AFSPA.

"Above facts reveal that the provision of sanctions for prosecution under AFSPA is a fig leaf and the truth is that there is 100 per cent impunity for the soldiers operating in Jammu and Kashmir. In the present circumstances due to impunity laws and lack of any sense of accountability the mechanisms of justice in the state are dysfunctional," the CCS statement reads.

the alleged desecration of Quran by a US pastor last year.

He passed away at his residence after he was recently shifted from SK Institute of Medical Sciences, Soura.

His condition had deteriorated since past few days, they added.

"His family sold land to treat him but all in vain," the relatives said.

With Muzzafar's death the number of people killed during the civil unrest, last year, has reached to 124.

NC WORKER WAS TORTURED, SAYS FAMILY

The family of the National Conference party worker Syed Mohammad Yousuf who died allegedly in police custody on September 30 has said he was tortured at the residence of Jammu and Kashmir chief minister Omar Abdullah.

Rejecting the claims of the government that the initial report of the postmortem conducted on the deceased suggests that there was no external injury on his body and he died of cardiac arrest Talib Yousuf's son said, "Three minor injuries, two on both of his cheeks and one on his neck were very much visible which I have clicked in my cell phone but the claims of the government that no external injury was suggested by the postmortem report has shocked us."

He also said the doctors who conducted the postmortem should have at least mentioned about the two burn like injuries in their report.

Syed Mohammad Yusuf's son Syed Talib told Hindustan Times, a national daily, the torture marks had been captured on camera during the funeral. "It seemed as if somebody had repeatedly punched him in the face," he said. The family also claimed that there were visible torture marks on the neck and cheeks of the activist.

The activist's son also said that they are in touch with some legal experts and will be moving the court in search of justice.

According to forensic examination report, government said, that there is no evidence to suggest that National Conference (NC) worker Syed Mohammad Yousuf was poisoned in police custody.

"The forensic report said no traces of any poison had been found in the blood and food samples taken from the deceased during the postmortem," official sources claimed on October 11.

Earlier on October 3, the government claimed that the National Conference worker, Syed Mohammad Yousuf, died due to cardiac arrest while undergoing an ultrasound test after he complained of abdominal pain. The government said no external injuries were found on his body.

UNMARKED GRAVES CASE DISPOSED OFF

Oct 19: State Human Rights Commission is ready with its final judgment into the case of unmarked graves in North Kashmir and has reportedly retained the interim recommendations based on the investigation undertaken by the Commission earlier.

Meanwhile, taking cognizance of reports about the presence of the unmarked graves in Poonch and Rajouri districts in Jammu province, the Commission has also asked respondents to file their responses by till November 28.

Earlier on September 16, while announcing its interim orders into the matter, SHRC Division Bench had recommended investigation by an independent "representative structured" body empowered to probe all aspects of the case. On that day itself, the bench comprising SHRC chairperson Justice (Retd) Syed Bashiruddin Ahmad and Member Javaid A. Kawoos had stated that the recommendations are interim in

"The post mortem report of Syed Yousuf says cardiac arrest was the reason of his death and no external injuries were found on the body," Principal Secretary Home B R Sharma told media persons.

Talib said, "When I confronted IGP (crime) Raja Ajaz Ali, he told me nothing happened in his office and whatever happened took place at the CM's camp office (in Omar's residence)."

Ali, who according to eyewitness Abdul Salam Rishi was present at Omar's residence, denied this. "The family is attributing false statements to me," he said. In his earlier statements, however, Ali had said an "unwell" Yusuf was taken to the crime branch headquarters and that a doctor was called in.

Rishi, one of the NC workers who had gone to the CM's house with Yusuf, has alleged that Yusuf was taken to a room at the CM's residence for nearly half an hour, after which he came out "visibly unwell".

Yusuf, 61, allegedly died in police custody after Rishi and another party worker accused him of taking a bribe of Rs 1.18 crore from them on the promise of getting them berths in the legislative council and ministry. Yusuf reportedly reneged on his promise, setting off the controversy.

Yusuf's family wants the government to release CCTV footage of the CM's camp office.

Omar told a news channel "nobody even touched Yusuf with a finger" while at his residence. He said Yusuf died of a heart attack 12 hours after visiting him at home.

The government sources said all relevant documents, including the videography of the postmortem, had been submitted to the Magistrate, including the report of ECG conducted on Yusuf at 8.23 PM on September 29.

Omar has also ordered an inquiry by a sitting judge of the High Court and said all facts will be placed before it.

The Crime Branch of Police registered an FIR under Section 420 of the Ranbir Penal Code (RPC) at 10 PM on September 29.

nature and that a final judgment would be announced later on.

"In that sequel, the division bench announced its final verdict into the presence of unmarked graves in North Kashmir, thus disposing off the matter, which was suo motto taken up by the Commission," an official told media.

"The judgment runs over fifty pages, and the minute details would be available only when it is released. However, most of the interim recommendations appear to have been retained in the final judgment".

The bench, in its interim order on September 16 comprising six-point recommendations had sought DNA profiling of the bodies in the unmarked graves in a cluster of villages at various places in North Kashmir's Baramulla, Bandipora and Kupwara districts.

The interim orders of SHRC had come following a probe by the investigative wing of the Commission, wherein it had been reported that more than 2,000 unmarked graves existed "beyond doubt" at 38 sites across North Kashmir.

"The bodies in unmarked graves shall be identified by all available means and techniques such as DNA profile, physical description, dental examination, distinctive medical characteristics, finger prints, carbon dating and forensic pathology (as may be applicable), so that even the identity of dead, in these unmarked graves is possible with the claimed disappeared persons," the bench had recommended in its interim orders. Besides, the bench

PROBE KASHMIR'S MASS GRAVES

Oct 25: Human rights activists have called for investigations into enforced disappearances and unidentified graves in Jammu and Kashmir.

Taking part in a meeting organised by the People's Union for Civil Liberties (PUCL) and People's Union for Democratic Rights (PUDR) at New Delhi over the weekend, the speakers also sought punishment to the guilty.

Other demands made on the occasion were that India should ratify the UN Convention on Enforced Disappearances to which it is a signatory and must also amend the Prevention of Torture Bill of 2010.

SHRC ASKS GOVT TO REINVESTIGATE KUNAN-POSHORA GANG RAPE CASE

Oct 19: The State Human Rights Commission (SHRC) Wednesday asked the State government to start a fresh probe into the case relating to the alleged mass gang rape of women by army personnel in Kunan and Poshpora villages of Kupwara district 20 ago.

Announcing its recommendations on the case, a division bench of SHRC asked the state government to constitute a Special Investigation Team (SIT) to reinvestigate the alleged mass gang rape of at least 31 women by army personnel in 1991.

Dozens of women from Kunan and Poshpora villages, around 110 km from here, had claimed that they were gang raped by army troopers during the intervening night of February 23 and 24 in 1991, leading to outrage across Kashmir.

"The SIT should be headed by an officer not below the rank of Superintendent of Police," the bench comprising SHRC Chairman Justice (retd.) Syed Bashiruddin Ahmad and Javaid Kawoos said.

It also asked the state government to prosecute the then Director Prosecution who had sought closure of the case as the perpetrators were "untraceable".

"The then Director Prosecution had overstepped his brief...prosecution proceedings should be initiated against him and those officers who had approved his report," the SHRC bench recommended.

Reading out from the report of the then district magistrate, Kawoos said 31 women, who claimed to have been victims of gangrape, had been

had also recommended prosecution of those found involved in the perpetration of "crime" including culpable homicide.

Meanwhile, the SHRC has given time to State government and other respondents in a rejoinder filed by Association of Parents of Disappeared Persons, which claimed existence of over 3,844 unmarked graves at 208 sites in Poonch and Rajouri districts of Jammu region.

"The rejoinder came up for hearing on October 18, wherein the respondents have been given time to file response by or before November 28, the next date of hearing," a Commission official told media.

The speakers included Khurram Parvez, Paramjeet Kaur Khalra, Nitya Ramakrishnan, Usha Ramanatham, Justice Rajender Sachar and Vrinda Grover.

Participants at the meeting said the assertion that those buried in the unidentified graves in Kashmir were not civilians but militants did not in any way "mitigate the enormity of the discovery".

"It was emphasised that the existence of so many unidentified bodies in unmarked graves itself merited an investigation to establish the circumstances of the deaths and affix responsibility, irrespective of the identities of those buried."

sent for medical examination, which confirmed that they were subjected to atrocities.

"In the course of hearing the case, statements of 18 women were recorded and during which they testified that they were subjected to the atrocity," he said.

The Commission asked the state government to pay compensation of Rs two lakh each to the victims of the incident.

The then Divisional Commissioner, Kashmir, Wajahat Habibullah, who visited the villages following the allegations, had filed a confidential report in the same year about the incident.

"While the veracity of the complaint is highly doubtful, it still needs to be determined why such complaint was made at all. The people of the village are simple folk and by the army's own admission have been generally helpful and even careful of security of the army's officers," a part of Habibullah's report, released later, read.

"Unlike Brig Sharma, I found many of the village women genuinely angry... It is recommended that the level of investigation be upgraded to that of a gazetted police officer," it said.

In response to the criticism of the government's handling of the investigation, the army had requested the Press Council of India to investigate the incident.

The Press Council team, which visited Kashmir in June that year, claimed that "such a delayed medical examination proves nothing" and

that the medical findings were typical among villagers.

The team concluded that the charges against the army were "well-concocted bundle of fabricated

CABINET APPROVES PSA AMENDMENT

Sep 28: In a significant development, the State cabinet approved the Public Safety Act amendment bill, which among other things prevents slapping of the controversial Act on people below 18 years of age.

The meeting was chaired by Chief Minister, Omar Abdullah at Civil Secretariat in the afternoon. Sources privy to the meeting said the cabinet unanimously approved amendments to the PSA 1978 to make the Act "effective and humane".

"At present, person booked under PSA has to undergo two-year imprisonment without trial. According to the new law, the imprisonment period has been fixed for just three months. The detention period, however, would be subject to review and can be extended from three to six months and further, if needed," a member of the committee that was

1378 MISSING CASES IN GOVT FILES IN 20 YEARS, 740 GRANTED RELIEF

Oct 20: While various human rights organizations put the figure of missing persons in Kashmir at thousands, the state government says that only 1378 missing reports have been filed in the last twenty years from across the state.

According to statistics of J&K Home Department, "missing reports have been lodged in respect of 1378 persons during the last 20 years in the state." Of the total of 1378 missing reports filed, the government has so far provided compensation to only 740 victim families. Five hundred thirty cases are under process and 108 cases have been rejected due to adverse reports from police (CID).

Ex-gratia relief is paid to the next of the kins of the missing persons when that person has been missing for seven years or more and it is presumed that the missing person is dead, and it is further established that the missing person was not involved in any militant / subversive activities. The cases for *ex gratia* relief in such cases are screened and approved by District Level Screening Committee headed by Deputy Commissioner. Ex-gratia relief of Rs one lakh is paid. Amongst the various districts of the state of Jammu and Kashmir, Pulwama district has reported maximum number of missing cases, which count at

lies" and "a massive hoax orchestrated by militant groups and their sympathisers and mentors in Kashmir and abroad".

assigned to frame the amendments to PSA told media.

He said the detention period for the timber smugglers, however, would be one year and can be extended after review.

"For militants, the period will be six months. The crux of the amendments is that there will be no PSA on the state subject below 18 years of age. The law will not be applicable to the foreigners," the member said.

"After hectic deliberations and inspection of the existing Act, the committee suggested the amendments," the member said.

The new law also paves way for the regular review of the cases.

"The review of cases will take place after three months, six months and one year," he said.

275 as per government details. However out of 275 cases only 63 victim families have been provided compensation.

After Pulwama, Kupwara has reported major missing cases which number at 235, of which 205 have been compensated by the government. Srinagar district ranks the third in missing cases. Total of 225 missing reports have been received by government from Srinagar district and only 99 have so far been compensated.

Baramulla has reported 195 cases, of which only 83 compensated. From Bandipora district, 23 missing reports have been register while eight have been granted *ex-gratia* relief. In Kulgam only two victim families have been granted relief out of the total 13 missing reports. Ganderbal district had reported 19 missing cases all of which have been granted relief. From Jammu region, Ramban district has reported maximum missing cases which are 53 in number. Thirty nine cases have been granted relief by government. In Kishtwar, 52 cases have been reported (41 granted relief), from Doda 47 cases have been reported while five missing cases have been reported from Reasi.

KISHTWAR FAMILY ALLEGES VICTIMIZATION 'NIA IMPLICATING WASIM'

OUR SON TORTURED IN CUSTODY: PARENTS

Family of Wasim Akram Malik, a student of Unani medicine in Bangladesh, of Kistwar district of Jammu province accused National Investigation Agency (NIA) of falsely implicating their ward in Delhi high court blast. Wasim's father Reyaz-ul-Hassan said that his son voluntarily reached Delhi to facilitate police investigation. On October 7 Delhi court remanded him in NIA custody for 14-days.

"We last spoke to Wasim on October 19 when NIA officials made him to talk to his mother. In that brief conversation, our son told us that the policemen accompanying him had promised his migration to Jammu college only if he accepted the knowledge of the blast," Reyaz Malik, Wasim's father told PTL.

"Our son also told us that NIA officials wanted to pin the entire blame on his 16-year-old younger brother Junaid Akram who is missing for past one year," he said.

The couple quoted their relatives, who saw him recently in Kishtawar when he was taken by NIA officials, saying that he could barely walk because of "intense torture".

NIA spokesperson denied the allegation and said "there is no truth in the charges levelled by the parents as we have to produce him before a court. Only today the Judge asked him whether he was subjected to any torture and Wasim denied the same."

Junaid Akram, younger brother of Wasim, according to the family, was abducted last year and since then he has been missing.

Narrating their woeful tale father of Wasim, Riyaz-ul-Hassan Malik, of Giri Nagar Dugi Kishtwar told media that on October 2, 2011,

he received a letter from Additional Superintendent of Police National Investigating Agency, Dr Ajeet Singh that he should present his son, who is pursuing MBBS final year in Bangladesh, for quizzing in connection with September 7 Delhi High Court blast case.

"Around 9 PM, the police officer dropped the letters. I telephoned my son that very moment in front of the officer to Bangladesh asking him to reach back to India swiftly," said Malik.

He said that on October 3, his son reached New Delhi for questioning voluntarily.

"Before reaching Delhi, Wasim called NIA office giving them his ticket number as well as arrival time sincerely. We (me and my wife) were also present at aerodrome and voluntarily handed over him to the NIA team. Though we wept that time but my son found no reason in it saying he hasn't committed any crime," he said.

Wasim's parents said that on the day of the blast their son was relishing vacation with the family in Jammu. "My son's call details and bank account can give clear idea about his location on the day of blasts. He was in Jammu that day. We have got bank account details of his ATM, about his shopping and his travel log. Everything is in black and white. On September 9 he departed to Bangladesh via Jammu airport," said his mother Shameema and broke down.

4 DETAINED KASHMIRI RELEASED

Oct 10: Four Kashmiri medical students picked up by Bangladesh police on the request of National Investigation Agency (NIA) – probing Delhi High Court blast case – have been released.

Tousif Ahmed and Danish Bhat, third and fourth year MBBS students, and interns Tasaduq Rashid and Amir Amin Reshi of Jalalabad Ragib-Rabeya Medical College were picked up for questioning after an NIA team landed in Dhaka, Bangladesh, reportedly to probe the local connections of Delhi HC blast case.

The team wanted to know about the conduct and connections of Wasim Akram, another student of the college presently in NIA custody. Wasim and two of the students picked up for questioning are said to be residents of Kishtwar, while two others belong to Kashmir region.

Confirming the release of the youth, a Bangladeshi newspaper quoted Maj Gen (ret'd) Nazmul Islam, Principal of the college, that the four were dropped in front of the college at about 6:30 am.

The Principal said the four were put on a microbus that drove them to the college. But he could not disclose who dropped them there.

Since the four were picked up by unidentified plainclothes people, neither police nor Rapid Action Battalion (RAB) admitted their involvement in the incident, the newspaper reported further.

After handing over Wasim to NIA, she said a manufactured theory was leaked to Television channels that her son was intercepted at Indo-Bangla border instead of the fact he voluntarily presented him before the NIA.

"Let

Government check his antecedents, his career graph and attendance at the college. NIA is falsely linking him to the blasts. If my son had committed any wrong he would have never returned on his own from Bangladesh to New Delhi," she said, "A theory was purported that my younger son is on run since past 20 years when his date of birth is 1995. Let Chief Minister Omar Abdullah intervene in providing us justice."

She said that her younger son Junaid Akram was kidnapped

November 8, 2010 by Azhar Ali Paddar and others. The accused, she said, is in custody after his arrest by Police last year. However her son, she said is still untraceable.

"My younger son was kidnapped by Paddar and an FIR was registered in the case. Even the detained kidnapper admitted that they took my son. Then he (Paddar) said my son was handed over to Irshad Ahmad Akhoun who said that he handed over him to Fateh Akhoun of Dachan. Despite all these clues police failed to get my son back," she said.

"They called my brother and said 'we would come to take you'. But my brother replied 'if I were a criminal then you would come to take me. Since I have not done anything wrong, I myself would come to you'. The NIA people received him at Delhi Airport and my father and mother were with him. Still my mother and father are in Delhi," Ahmed's sister, Shaziya Malik said.

Ahmed's sister also said that Azhar Ali Padari, a member of Pakistan-based militant outfit, who is in jail for kidnapping her younger brother Junaid Malik, has implicated her elder brother in order to take revenge.

"We got them arrested because Junaid was kidnapped due to them. He took my brother's name to take revenge. He (alleged kidnapper) wants that since his family has been ruined so our family should also be ruined," added Shaziya Malik.

AFTER 5 YEARS, DELHI COURT ACQUITS KASHMIRI AERONAUTICAL ENGINEER

Oct 3: A Delhi Court has acquitted a Kashmiri aeronautical engineer who was arrested five years ago for allegedly plotting a September 11-type suicide attack in New Delhi.

Hailing from Magam in north Kashmir's Kupwara district, 29-year old Imran Kirmani had left his village at an early age and done his schooling in Chandigarh. Having a degree in aeronautical engineering from Jaipur, Kirmani was working with Star Aviation Academy.

However, he was arrested on November 16 2006 by the Delhi Police's Special Cell and labeled as a member of Lashkar-e-Toiba (Let) module that was allegedly planning September 11-type strike in Delhi.

Four years, five months and 21 days later, Additional Sessions Judge Surinder S Rathi acquitted Kirmani, ripping apart the police case. "My dream has already died, there is no future," Kirmani says. "How will I begin again? Who will accept me in the aviation industry? Who will return me five years of my life?"

The "distortions" began with the charges-sheet filed in Kirmani's case. While before the media police alleged a 9/11-like plot, in its charge-sheet, the Special Cell claimed a tip-off from a central intelligence agency that a Lashkar militant had set up base in Delhi and was funding terror through hawala, and that his brother was Kirmani, a resident of Dwarka. Police had claimed that Imran also collected and transferred terror funds.

The police had also claimed to have recovered "around 1.5 kilogram of RDX, two automatic timers and 4.5 lakh rupees hawala money" from Kirmani and his "accomplice". While releasing Kirmani, the Court ordered that the money be returned to him because his family had produced substantial proof that they had sold a piece of land in Sopore to help Kirmani buy a single-bedroom flat in Delhi.

KASHMIRI STUDENTS "HARASSED" IN MAHARASHTRA

Oct 11: Kashmiris studying in central Indian state Maharashtra have reported to their parents that the Shiv Sena cadres along with local police were harassing "them without any provocation from several days".

Scores of Kashmiri students in final year at Pune based Sunguard College have told to their parents over phone that several vehicles belonging to right wing Hindu group accompanied by police gypsies arrived at the campus from Friday.

Failing to trace the Kashmiri students at the campus, the Saniks started to look for their residential flats, a parent Mohammad Ashraf Dar, whose son Nazir Ahmad is a student of Management at the College, said.

Upon reaching their flats the cadres first roughed them up and then threatened them with dire consequences. Many students have already fled from the college, said another parent, who wished anonymity.

Dar told media that his son told him over the phone that Saniks along with police are harassing them "severely" from Friday.

PRASHANT BHUSHAN BEATEN FOR ADVOCATING RSD

Oct 12: Senior lawyer and Team Anna Core member Prashant Bhushan was beaten up by two men in his chamber inside the Supreme Court for his advocacy of plebiscite in Jammu and Kashmir.

Bhushan was speaking to a TV news channel when the two youth barged into his office in the New Lawyers Chamber opposite Supreme Court this afternoon and started showering blows on him.

The lawyer was pulled out of the chair, slapped, dragged and repeatedly punched. He was pinned down on

the floor and kicked on his chest. Bhushan's shirt was torn and his spectacles fell when he was roughed up.

As his staff and others gathered, one of the two attackers managed to escape while another was caught by them and handed over to police.

Bhushan was later taken to the Ram Manohar Lohia hospital.

The youth had entered his office claiming that they had an appointment with Bhushan, a prominent Team Anna member who is in the forefront of the fight for a strong Lokpal.

Dismissal of the "callous and inferior quality of investigation", the Additional Sessions Judge said "even though it is claimed that secret input was received from Central Intelligence Agency in October 2006", this was never put in writing.

"The situation is further aggravated because there is no consensus amongst the witnesses on as to who received the information. As per SI R S Sherawat, it was he who received the secret information. As per SI Ramesh Lamba, he received the secret information. According to SI Ravinder Tyagi, he already had information in this regard. Most importantly as per ACP S K Yadav, it was he who received the information," the Court observed.

The judgment pointed out that the FSL report contradicted the description of the "RDX" allegedly seized from Kirmani. In fact, it negated the substance even being an explosive. Moreover, there was nothing in the records about the arms allegedly seized from Kirmani and Bafanda.

Questioning the post-arrest "investigations", the judgment asked that if the "intelligence input was that Imran had set up a base at Dwarka, why absolutely no attempt whatsoever was made to ascertain or visit his house".

"It is quite improbable that when police claim to have arrested two terrorists who are said to be member of LeT, no raid is conducted at their claimed Delhi hideout... No attempt was made to verify his (Kirmani's) old Delhi address or his conduct with his aviation employer".

"There is nothing on record to show that accused Imran and Ghulam were acquaintances... prior to their arrest. Also there is nothing on record to show that accused Imran is brother of accused Altaf, who has not been chargesheeted in the matter," the judgment said.

"My son was neither at his college nor at his flat when they came but his other Kashmir friends who were in the flat were severely beaten," Ashraf said.

"I am much worried about my son and now I have decided to get my son back halfway of his completion of Masters in Management. Other students have also decided to come back," he added.

Pertinently, the alleged harassment of Kashmiri students has resurfaced after few months.

Recently, students hailing from Kashmir were asked to provide police Character Certificates by a University in Madhya Pradesh.

The move had forced the Jammu and Kashmir Chief Minister Omar Abdullah to take up the issue with Union Home Minister P Chidambaram.

The press had reported that the states were told by the Home Minister to refrain from such scanning.

After the attack, Bhushan said it appeared that the youth targeted him for his stand on Jammu and Kashmir.

"They were saying that I have made some comments on Kashmir to which they were taking objection. I have said that a referendum should be held in Kashmir," he said.

He had in Varanasi last week said that there could be a referendum in Kashmir and demanded repeal of AFSPA from the State.

A case has been registered and one person has been arrested.

CABINET APPROVES ORDINANCE ON PSA AMENDMENTS DETENTION PERIOD REDUCED, MINORS TO BE SPARED

Oct 28: Amidst controversy surrounding the revocation of Armed Forces Special Powers Act from certain pockets in Jammu and Kashmir, the ruling coalition, National Conference and Congress, in a major move October 28 approved an ordinance to do away with some harsher clauses contained in Public Safety Act.

The state Cabinet which met under the chairmanship of Chief Minister Omar Abdullah here okayed promulgation of the ordinance titled "The Jammu and Kashmir Public Safety Act (Amendment) Ordinance 2011" thus approving among other recommendations that a minor (under 18 years of age) would no longer be detained under PSA.

Besides, the detention period under PSA shall be reduced from the existing one year to three months in case of public disorder and from otherwise 2 years to six months in a case involving security of the State.

However, in both situations there is provision for revision and the detention period can be extended to 1 year and 2 years respectively.

The ordinance was necessitated since state legislature is not in session, it would be now send to Governor for his consent and promulgation.

The ordinance provides that a detainee under PSA would be communicated in his/her own language about grounds of detention and all the formalities for slapping PSA on an accused shall be completed within six weeks instead of eight weeks as was given under the existing provisions of the Act. Besides, Chairman of Public Safety Advisory Board can be appointed for two terms only.

Officials claimed it is for the first time that major amendments have been proposed in the Act.

JK RANKS 1ST IN POLICE FIRING INCIDENTS IN 2010

Oct 28: Jammu and Kashmir is leading the table in a report released by National Crime Records Bureau in terms of incidents of police firing and highest number of casualties during 2010.

J&K has registered a highest number of 662 incidents followed by UP (445), Chattisgarh (82) and West Bengal (70).

Correspondingly, the state also has registered the highest number of casualties during 2010 and tops the table with 91 deaths followed by UP (55) and West Bengal (23). Out of 91 registered casualties 74 civilians and 17 policemen had lost their lives.

On the police excess front, 526 complaints were registered against policemen across the state which has a total police force of 77012.

Interestingly, J&K is also among the states leading in terms of police- public deployment ratio. It has 576 policemen per one lakh persons. Most of the North-East states have a higher ration than J&K, the NCRB report said.

ARMY EYING BANDIPORA LAND

Oct 16: People in Bandipora are protesting against setting of makeshift tents by Rashtriya Rifles at Naidkhai on

Reacting to the attack, activist Kiran Bedi said it was absolutely shocking and shameful. "I am very distressed. But you got evidence; I think these people will be in jail for a long time now".

"It shows the amount of intolerance level we have reached. I don't know what they are him up for, but they don't know they are beating up such a good man who continues to work for the community day in and day out," she said.

This is for the 6th time that the law is to be amended. "Yes, some major amendments have been effected in the law for the first time," said a top official.

An in-house committee in the Law Department had approved the amendments and sent them to the state Home Department - the concerned implementing administrative department on the PSA - for approval.

Government's move follows mounting pressure on it by international human rights watch-dog, Amnesty International, asking state to revoke Public Safety Act. In its report released on detentions in JK under PSA last year, the AI termed the Act as "lawless law."

"Hundreds of people are detained under the PSA in J&K, many of them political activists and youth suspected of throwing stones at security forces. Instead of charging and trying persons suspected of committing offences in a fair trial in a court of law, the authorities continue to circumvent the rule of law by resorting to the PSA," the Amnesty report said.

The High Court Bar Association argues that over 35,000 persons have been detained under PSA since 1989. Since long it has been accusing state authorities of treating boys above age of 16 as adults and detaining them without trial under the PSA and ordinary criminal law, holding them in regular prisons along with the adult prisoners.

As per the J&K Juvenile Justice Act, 1997 (J&K JJA) juveniles are defined as boys under age of 16 and girls under age of 18. The Juvenile Justice (Care and Protection of Children) Act 2000 operating in other states defines children as those under the age of 18 in line with the UN Convention on the Rights of the Child (CRC).

There is something to cheer about for the people of the state. There has been a decline of 19.3 per cent in the number of suicides registered during 2010. According to the latest report of the National Crime Records Bureau released on Thursday, the number has come down to 259 from 321 in 2009. The total number of suicides across the country has increased to 134599 from 127151 in 2009.

A more disturbing trend has been witnessed in the increase in the rate of violent crimes registered during 2010. Jammu and Kashmir ranks second with 34.2 per cent crime rate after Manipur (34.5 per cent). It is followed by Kerala (33.6 per cent) and insurgency hit Assam (33.5 per cent).

The state ranks 28th in the list of incidents of accidental deaths with 2123 deaths registered during 2010 against 1983 in 2009. The private vehicles accounted for majority of the 204 accidents while only seven governmental vehicles were involved in such incidents.

agricultural land. On October 16 (Sunday), residents of Sumbal, Bandipora told media that the battalion of 19

Rashtriya Rifles is trying to occupy agricultural land near general bus stand.

"There are around 60 kanal of farming land near the bus stop. Out of it army has occupied forty kanals by setting makeshift tents and placing concertina wire around the area. We have apprehensions as they may occupy it permanently," said the residents.

Following the apprehensions, hundreds of people stormed the road and protested against the move. They were demanding immediate removal of tents from the land.

"There are already four army camps located around this small village even though there is no militancy in the area. We fail to understand why army wants to occupy further land and take away the livelihood to scores of families," residents said.

They said this is the only prime agricultural land in the area used for the purpose. Stating that the attempt had breach the trust among common people, locals said that

UNEXPLODED SHELL INJURES MAN

Oct 10: One person was injured when an unexploded shell went off in the Army practice firing range of Tosa Maidan in Budgam.

After the completion of day practice firing by Army, Ali Muhammad Malik, 40, of Shunglipora Khag was

SUICIDE BY TROOPS

> ARMY MAN JUMPS BEFORE A RUNNING TRAIN

Oct 8: An Army Havaladar committed suicide by jumping before a running train in Udhampur district.

"Havaladar Uma Ram Thakur of Rajasthan, presently posted in 3 Advance Base Workshop at Udhampur, committed suicide by jumping before a running train here last evening," police said.

OFFICIAL STATEMENTS

> GOVT GIVES CONTRADICTION FIGURES ON MISSING PERSONS

Oct 03: The government claimed that only 1300 persons have gone missing in the State during past 20 years of turmoil, contradicting its earlier statement that 3429 youth were missing from 1990 till 2009.

"1378 persons are missing on account of the militancy during last 20 years of turmoil in the State," Home Ministry, headed by Chief Minister Omar Abdullah, said in written reply in response to a question posed by MLC Javid Ahmad Rana in Legislative Council.

It said of the 1,378 missing persons, 1199 were from Kashmir division while 179 persons were from Jammu division. "South Kashmir's Pulwama district accounts for 275 missing persons followed by north Kashmir's Kupwara district (235) and Srinagar (225). Baramulla district has 195 cases of missing people while south Kashmir's Islamabad district has 121 such cases," it said.

Among the missing persons from the Jammu region, 53 cases were reported from Jammu followed by 52 cases in Kishtwar district. "47 persons have gone missing from Doda district, 19 from Rajouri, five from Reasi and three from Poonch," the government said.

It said ex-gratia relief was paid to next of kin of the missing 740 persons while 530 cases were under process and 108 cases have been rejected due to adverse report from police.

It is pertinent to mention here that during the assembly session in 2009, the government in response to a query by

Abdur Razak Zawoora, PDP MLA from Shopian had revealed that 3429 youth had gone missing in the State from 1990 to July 2009. "Of these 1062 had disappeared from Kashmir while 2367 went missing from Jammu region," it had said.

army earlier had set up the medial camp at the same place with the consent of locals.

"We would not have allowed them to set up the camp at this place if we knew that they will try to occupy it permanently," they said.

However, to contain the protests large number of policemen were rushed to the spot with some senior police officials. The officials assured the protesters that no land would be occupied by army and asked them to call off the protests. Following the assurances the protesters later dispersed peacefully.

PRO defense, colonel J S Brar could not be contacted for the issue while as Deputy Commissioner Bandipora, Manzoor Ahmad showed ignorance about the issue.

"Nobody has brought it into my notice. What I learnt so far that army is setting up temporary shelters there and they have no intentions to occupy the land," he told media.

collecting brass pieces from the range in evening hours. An unexploded shell went off resulting in splinter injuries in his right leg, police said. The injured was shifted to Bone and Joints Hospital Srinagar for treatment.

The body was recovered from the railway track and postmortem conducted.

Meanwhile, another army man died due to heart attack in the same district.

He was identified as Mandaghe Dayaram Lingaram of Latoor in Maharashtra and was posted in 6 Radio Monitoring Unit in Udhampur.

Surprisingly, in 2001, the government had disclosed that 3,931 persons had gone missing in State after eruption of the militancy.

> ZERO INFILTRATION IMPOSSIBLE: ARMY

Oct 06: Zero infiltration through Line of Control is not possible despite complete vigilance, said GOC 15 corps Syed Ata Hasnain, adding that Lashkar-e-toiba is the most pre-eminent militant group operating in the valley.

He also ruled out any threat from the presence of Chinese troops in Pakistan administered Kashmir. "Zero infiltration is not possible even if there is a complete vigilance on the Line of control. The militants always wait for an opportunity to sneak into the valley and they try hard to grab such opportunities," Hasnain told reporters on the sidelines of an interactive session with school children of Kargil and Ladakh.

"However, pro-active operations in recent past against militants at Rajwar, Handwara, Sopore and other places have put them on back foot as they suffered heavy damage."

> AFSPA MAY GO IN PARTS OF JAMMU AND KASHMIR

Oct 11: The controversial Armed Forces Special Powers Act (AFSPA), which gives unlimited powers to security forces to search, seize and arrest without any warrant in disturbed areas, may soon be withdrawn from some parts of Jammu & Kashmir.

Chief minister Omar Abdullah briefed Union home minister P Chidambaram about the improved security situation in the state and spoke to him about the possibility of withdrawing the AFSPA from "certain parts" of J&K. The meeting was a "comprehensive review" of the security situation in the state.

> ARMY DENY TALIBAN PRESENCE IN VALLEY

Oct 11: Downplaying the presence of any Taliban militants in the Valley, Army said the coming two months are vital for turning tables on Kashmir on the militancy front.

"2011 is an important year for us and we can break the back of militancy if they don't push in more militants from across LoC before *Chillai Kalan* sets in. I can assure you we can turn the tables on militants in Kashmir," said General Officer Commanding (GOC) of Srinagar based Chinar Corps, Lieutenant General Ata Hasnain.

"As per intelligence reports around 600 militants are waiting just opposite to Shamasbari and Uri sectors on LoC. Militancy has crossed all proportions across LoC this year. However we are maintaining tight vigil and also they (militants) are careful in coming in," he told reporters on the sidelines of Army's regular feature Awami Sunwai (public hearing) at Dudi village by LoC, 170 km from the summer capital.

➤ **NO DECISION ON AFSPA: GEN HASNAIN**

Oct 17: Amid a strong pitch for revoking Armed Forces Special Powers Act (AFSPA) in some corners of Jammu and Kashmir, Army stated the issue has not surfaced ever in its meetings. "There has been no decision on AFSPA revocation and it is not even being discussed," a senior Army officer said.

"The issue (AFSPA) has not even come up once in our discussions. I think we can only make apt and informed commands once we discuss it in-house. Deliberations on this subject are still going on and we will have our unified command meetings, corps group meeting to discuss it," General Officer Commanding (GOC) of 15 Corps Lieutenant General Syed Ata Hasnain told reporters at Awantipora.

➤ **MILITANCY DOWN BY 50% IN JK: KHODA**

Oct 17: Pointing out that militancy in the state has come down by 50 per cent, Director General of Police (DGP) Kuldeep.

"We have been able to successfully control militancy this year. There is 50 per cent decrease in militancy this year as compared to the last," he told reporters here after inaugurating a 3-day police sports festival of Jammu-Kathua-Samba range.

"As compared to the last year, more commanders of different militant outfits have been killed," he said.

➤ **241 KILLED, 402 INJURED IN CROSS SHELLING IN BORDERS AREAS OF J&K SINCE 1991**

Oct 20: The border shelling between India and Pakistan has so far killed more than 200 people across Jammu and Kashmir. From 1990 till date 241 people have died in Jammu and Kashmir due to cross border shelling. Moreover, 402 people have been injured or disabled in such incidents over the years.

It may be mentioned here that ceasefire agreement was made between India and Pakistan in 2003. Nonetheless there have been incidents of ceasefire violations from time to time which have claimed many lives.

As per official figures, district Poonch has seen the maximum number of deaths due to the cross border which has so far witnessed 73 deaths. The number of persons injured and disabled in Poonch are 91.

In Jammu district 54 people have died during cross border shelling while 63 persons have been disabled. In Kargil district, 57 people have so far died in cross border shelling and 107 injured and disabled. In Kathua seven people have been killed while 32 injured in cross border shelling between India and Pakistan. Samba district has lost three lives and injured 51 people. In Rajouri district 14 people have been killed, (three from Rajouri tehsil, nine from Nowshera and two from Sunderbani) and 27 injured. In

Kashmir region the cross border shelling has claimed 33 lives in total. In Bandipora district 11 people have died and 31 injured or disabled. From Baramulla district 22 people have been killed in border shelling, injuring none. As for the provision of relief is concerned, the victims are granted ex-gratia relief by the government. In case of death, the family of the victim is granted Rs one lakh. For those disabled in the incidents, compensation of Rs 75,000 is granted while for partially disabled person Rs 10,000 is given. In Rajouri district, out of the 14 victims, ex-gratia has been granted to 13 families how have been paid an amount of Rs one lakh.

➤ **AFSPA ON WAY OUT: OMAR**

'TO BE REVOKED FROM SOME PARTS OF STATE WITHIN DAYS'

Oct 21: Chief Minister Omar Abdullah stated that the controversial Armed Forces Special Powers Act (AFSPA) would be scrapped from some areas of Jammu and Kashmir within next few days. However, he didn't specify the areas.

"Time has come for the revocation of laws (AFSPA and Disturbed Areas Act), which were introduced in the state after the onset of militancy, from some areas of the state within next few days. We have already identified the places from which the Act will be withdrawn but I am not in a position to name those areas," Omar said while speaking on the Police Commemoration Day at Zewan.

➤ **NO PROBLEM IF AFSPA GOES: IG CRPF**

October 26: Inspector General of Central Reserve Police Force (CRPF), Dr B N Ramesh has said that the CRPF has no problem with the revocation of Armed Forces Special Powers Act (AFSPA) from the territory.

Dr B N Ramesh speaking to media persons in Bijbehara said, "We do not have any problem whether AFSPA stays or goes. Whatever the decision with regard to the Act is taken we will abide by that," he added.

When asked about the killings in last year's uprising by the CRPF, he said, "I cannot comment on what happened before my joining as IG, CRPF here."

➤ **AFSPA NOT DISCUSSED AT CORE GROUP MEET: ARMY**

Oct 28: The issue of Armed Forces Special Power Act (AFSPA) was not discussed during the core group meeting at Srinagar.

This was stated by a defence spokesman in a statement. The meeting was co-chaired by Lt Gen SA Hasnain, GOC Chinar Corps and the security advisor, with the DGP Kuldeep Khoda at Badami Bagh Cantonment, Srinagar.

Senior officers of army, police, CRPF, BSF, intelligence agencies and civil administration attended the meeting.

➤ **NC LEADER MUSTAFA KAMAL ACCUSES ARMY OF 'HURTING' KASHMIRI PEOPLE**

Oct 27: Two days after blaming the army for the recent attacks in Kashmir Valley, National Conference general secretary Mustafa Kamal accused it of hurting people of the state.

An unapologetic Kamal told media that if army was hurt by his statement, wherein he suspected the army role behind the attacks in various parts of the valley to strengthen its stand on controversial Armed Forces Special Power Act (AFSPA), so was he.

Asked if he felt apologetic over his statement, Kamal said, "I have not hurt anybody. I have no ill will against anybody. We said in that interview that the army has done a commendable job in the last so many years it has been here in operation against militants."

➤ **ONE OF THE BEST YEARS FOR SECURITY SITUATION IN JK: CRPF**

Oct 28: The Central Reserve Police Force on October 28 said the situation in Jammu and Kashmir has improved but maintained that decisions on the removal of the Armed Forces Special Powers Act and troops reduction will be taken by the Ministry of Home Affairs.

"CRPF does not have a stand on this. We go by the stand of the Home Ministry. As long as the protection (for the force) is available, there is no issue. As far as the CRPF is considered, there is a policy of Home Ministry which we will abide," Director General of the CRPF, K Vijay Kumar, told reporters at New Delhi.

"We normally work as an extension to local police, complementing the local police and in "Overall, if you see the statistics of J-K. It has been one of the best years despite certain incidents which happened. In terms of tourism or in terms of other activities, which are the indices of normalcy, if you look at it, it has been one of the best years in Srinagar. When you see the overall situation, you will see generally it is improving," the DG said. About 69 battalions (nearly 69,000 men) and three companies (three hundred personnel) of women are deployed in Jammu and Kashmir. Close to 60

per cent of the CRPF personnel in J-K are deployed in counter insurgency and related duties and the remaining provide security to VVIP/Vital installations and perform law and order duties among others.

➤ **DECISION ON AFSPA TAKEN BY CABINET COMMITTEE ON SECURITY: CHIDAMBARAM**

Oct 31: Home minister P Chidambaram has backed Jammu and Kashmir chief minister's announcement on withdrawing the Armed Forces Special Powers Act (AFSPA) from parts of the state. Omar Abdullah was only taking forward a September 2010 decision of the Cabinet Committee on Security (CCS), Chidambaram said.

There was nothing unusual or strange about Abdullah's decision to expedite the review of AFSPA - recommended by CCS as part of an 8-point formula to restore normalcy in J&K after the violent public protests in the summer of 2010. "Let the chief minister come back to us after the state cabinet review. This is a CCS decision and I am part of the CCS," Chidambaram said while briefing reporters on MHA's report card for October.

FIGURES				
DATE	TROOPERS	MILITANTS	CIVILIANS	OTHERS
Oct 1	-	4	-	-
Oct 2	-	1	-	-
Oct 3	-	2	-	-
Oct 4	-	-	-	-
Oct 5	-	-	-	-
Oct 6	-	-	-	-
Oct 7	-	-	-	-
Oct 8	1	-	-	-
Oct 9	-	2	-	-
Oct 10	-	-	-	-
Oct 11	-	-	-	-
Oct 12	-	2	1	-
Oct 13	-	-	-	-
Oct 14	-	-	-	-
Oct 15	1	-	-	-
Oct 16	-	-	-	-
Oct 17	-	1	-	-
Oct 18	-	-	-	-
Oct 19	-	-	-	-
Oct 20	-	-	-	-
Oct 21	-	-	-	-
Oct 22	-	-	-	-
Oct 23	-	-	-	-
Oct 24	-	-	-	-
Oct 25	-	-	-	-
Oct 26	-	-	-	-
Oct 27	-	-	-	-
Oct 28	-	-	-	-
Oct 29	-	-	-	-
Oct 30	-	-	-	-
TOTAL	2	12	1	0

CHRONOLOGY OF INCIDENTS OCTOBER

Oct 1: Army claimed that it foiled an infiltration bid killing four militants in Keran sector in frontier district of Kupwara by killing four militants. However, army cannot disclose their identities.

Oct 2: One more militant army claimed was killed in Keran sector in frontier district of Kupwara by killing four militants. However, army cannot disclose his identity.

Oct 3: Two militants including a Divisional Commander of Lashkar-e-Toiba were killed in two separate encounters in Kashmir. The LeT commander identified as Abdul Rehman was killed in village Shubdani in South Kashmir's Pulwama while another militant whose identity could not be ascertained died at Dardpora area in Kupwara district in another encounter.

Oct 4: Suspected militants today triggered off an Improvised Explosive Device (IED) blast in Sopore. However, there was no casualty reported in the blast, sound of which was heard in the entire area.

Oct 5: No incident of violence reported from any part of the state.

Oct 6: No incident of violence reported from any part of the state.

Oct 7: No incident of violence reported from any part of the state.

Oct 8: A top rank Hizbul Mujahideen Commander was killed in Uda district in an encounter with troops. In another incident an army man ends his life by jumping before a running train in Udhampur district. The deceased soldier was identified as Mandaghe Dayaram Lingaram of Latoor in Maharashtra and was posted in 6 Radio Monitoring Unit in Udhampur.

Oct 9: Two militants were killed in a fierce gunfight with troops in Chateelgul area of Kangan in Ganderbal. The police claimed the killed militants were from Swat valley of Pakistan.

Oct 10: One person identified as Ali Muhammad Malik, 40, of Shunglipora Khag was injured when an unexploded shell went off in the Army practice firing range of Tosa Maidan in Suddipora.

Oct 11: No incident of violence reported from any part of the state.

Oct 12: J&K police claimed its men in a joint operation with army killed two militants in central Ganderbal district. The police identified one of the slain militants as Mushtaq Khan alias Mushtaq Janghi, a local, of Mizbul Mujahideen. While a teenage boy hailing from south Kashmir's Pampore township, who was injured during civil unrest last year, succumbed to injuries. Mazzafar Ahmad, 18, son of Ghulam Mohammad Mir had suffered a serious injury in his spinal cord and was suffering partial paralysis.

Oct 13: No incident of violence reported from any part of the state.

Oct 14: Unidentified gunmen shot at and injured seriously a policeman from point-blank range at Hazratatabal in Srinagar. Police said the cop belonging to Indian Reserve Police, 19 battalion; Sajad Ahmad was fired upon by militants on his head around 2 PM.

Oct 15: Sajad Ahmad who was injured fired upon and injured seriously by suspected militants succumbed to his injuries in hospital.

Oct 16: Suspected militants attacked a vehicle of Special Operations Group (SOG) of police at Sanat Nagar Chowk. Militants used grenade to target SOG armoured vehicle however, the grenade missed the intended target and exploded without causing any damage.

Oct 17: A militant was killed in an encounter with forces in Yachgoose village of Pulwama district. The deceased militant was identified as, district commander of Hizbul Mujahideen militant outfit namely Javaid Ahmad Deedad son of Mir Muhammad of Pahlipora Keller Pulwama was killed.

Oct 18: No incident of violence reported from any part of the state.

Oct 19: A laborer was injured in the Khundru Ammunition Depot when he stepped over an explosive device. The injured was identified as Bashir Ahmad Dar son of Abdul Gaffar Dar of Khundru, working at ammunition depot received injuries when he stepped over an anti land mine blast near the fencing while he was cleaning the lawn.

Oct 20: No incident of violence reported from any part of the state.

Oct 21: No incident of violence in any part of the state.

Oct 22: No incident of violence in any part of the state.

Oct 23: No incident of violence reported.

Oct 24: No incident of violence in any part of the state.

Oct 25: Three hand grenades were lobbed at paramilitary installation at separate places causing injuries to four persons including three CRPF troopers while a cop was shot and injured at old general bus stand in Anantnag.

Oct 26: Unknown person lobbed a grenade at a market place in Bijbehara town injuring five civilians.

Oct 27: No incident of violence in any part of the state.

Oct 28: No incident of violence in any part of the state.

Oct 29: No incident of violence in any part of the state.

Oct 30: No incident of violence in any part of the state.

Oct 31: No incident of violence in any part of the state.