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Boniyar Student Fired in Chest

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KHATIMI REPORT

The powers of the magistrate have not been diluted or taken away completely, which were exercisable to them even before the conflict. As per the law, the magistrate has to supervise the investigation conducted by police within the provisions of Sec 168, 171 Cr. PC. The powers vested to Criminal Courts have not been exercised as per the letter and spirit of the law. Thousands of FIRs stands registered against the army and police in police stations relating to killings, massacres, disappearances, rapes etc. The report prescribed under Sec 173 Cr PC is to be sending through the office in-charge of the station in the form of final report Sec 148 of police manual, if the investigation has been unsuccessful. Almost in 90 % cases no investigation has been conducted according to the provisions of the law and the FIRs have been closed as untraced without complying the further provisions i.e. the informant is to be informing verbally about the result of the investigation and it is to be noted in the final report. The signatures or thumb impressions are taken in it, and further the informant is not present has to be informed in-writing and the fact this has been done shall be noted in the final report.

In the final report (untraced) facts of the case which investigation officer believes to be correct has to be summarized together with the ground on this behalf. The information has to be send to the concerned magistrate and who has to satisfy and pass the order. These provisions have been bypassed and the magistrates are endorsing police versions mechanically without the application of their mind. The informant / victims are least informed about the conclusion of the investigations even statement under section 161 is seldom recorded to make a fig leaf of the investigation. According to law, the court is not bound to accept the *khatmi* report expo facto as presented by the investigation agencies. The court has to arrive at a conclusion after thoroughly examining the matter and pass a reason and speaking order mentioning on what material the court is forming such opinion. Even without informing the informant/victim the investigating report before the concerned magistrates/ who without applying his mind are signing it in a routine manner, thereby, becoming part of the police mechanisms. In past seldom any magistrate to our knowledge has shown audacity of not getting satisfied from the so-called investigation from the police agencies. Recently in few cases it has been done, a healthy departure from the past. Even in the high profile cases of massacres and rapes which were condemned worldwide the same thing has been done. No investigation was ordered by the magistrates, thereby, undermining the institution of judiciary which if asserted its powers would have earned respect and credibility amongst the masses.

The judicial magistrates have not behave differently than the executive magistrates / district magistrates whom have been endorsing the reports prepared by the police whether it an administrative detention matter under PSA or section 107, 109, 144 of CRPC, which tantamount to judicial impunity. Have the magistrates asserted as independent judicial body; it definitely would have made difference in the graph of human rights.

It is unlikely that victims can contest the judicial orders of *khatmi*, as victims now fatigued, disinterested and disillusioned as justice appears to be a mirage to them. The victims being ignorant can seldom contest the closure reports as they are not aware about legal necessities and also they are weak to take on the state. Even human rights organizations failed to make it a public issue and at least morally indicted the judges / magistrates for becoming the part of the police mechanisms. But important is to be bringing this aspect of judicial impunity into the public domain. It is not only the law enforcing agencies alone responsible for human rights violation in Kashmir but the omissions and commission on the part of the authorities including judiciary which has allowed them and bail them out.

Judges are not above the law and they are equally responsible for their passive acquiesce in the human rights violations and render a moral accountability to the public.

TUITION GOING STUDENT FIRED IN CHEST

FIRING WAS UNPROVOKED: EYE WITNESSES

Jan 2: A tuition going student aged 21 allegedly shot dead by paramilitary Central Industrial Security Forces (CISF) when they opened fire upon protesters demonstrating against non-availability of power supply at Boniyar in North Kashmir's Baramulla district. The deceased Altaf Ahmad Sood son of Bashir Ahmad of Boniyar was not the part of the protest whatsoever, claimed the eyewitnesses. The killing triggered strong resentment in the area.

Chief Minister Omar Abdulla termed the killing as murder and assured that the guilty will not be protected under AFSPA. Minister for PHE, Irrigation and Flood Control, Taj Mohi-ud-Din echoed the CM stance over the killing. The state government ordered a Magisterial Inquiry into the incident and appointed Additional Deputy Commissioner Baramulla to probe the incident.

Boniyar residents accused the CISF personnel for resorting unwarranted and unprovoked firing. Villagers said, there was no provocation which can force the CISF personnel to shower bullets upon the unarmed civilians. Altaf's killing enraged the residents, who assembled in hundreds to register protests against the killing. The public pressure prompting police to detain five CISF personnel accused of opening firearm and registering an FIR against them.

According to the eyewitnesses, on January 2, hundreds of residents from Boniyar gathered near the main gate of NHPC, Uri in the morning only with an aim to protest non-availability of electricity. People sat on *dharna* (sit in) to pressure NHPC and PDD for providing electricity to the area.

Syed Shaid Shafi, a Boniyar native, who was among the protestors, said *dharna* was peaceful and members of civil administration including SDM, tehsildar and SDPO Boniyar reached the spot in the afternoon.

"The civil administration called upon nine *sarpanches* and took them to tehsildar office to hold talks," he said.

He further stated the protestors, who were only raising slogans against NHPC and PDD, continued their peaceful agitation near the NHPC gate. "It was a peaceful *dharna*. However, without any provocation, CISF personnel

guarding the main gate came out on the road and started aerial firing at around 1: 15 pm," he averred.

"CISF's aerial firing triggered panic forced the people to run for their safety. It was a chaotic scene. During this process, the CISF men started shooting straight into the crowds. 21-year-old youth identified as Altaf Ahmad Sood son of Bashir Ahmad of Boniyar, Baramulla was hit by a bullet in the chest. He died on the spot. Two others also sustained injuries in CISF firing and have been hospitalized," Shafi said.

Another eyewitness Ali Mohammad said Altaf was not part of the protest. "He was not an agitator. He was standing nearby. Having books with him he was coming back from his tuition classes," he said.

SSP Baramulla Haseeb Mughal confirmed the arrest of five CISF personnel deployed near the main gate of NHPC.

"We have detained five CISF personnel and registered an FIR against them. Investigations have been initiated," he said.

The arrestees have been identified as Sub-Inspector Krishan Thapa, Havaldar Dwarka Prashad, Constable Raju Ranjan, Constable Ajay Singh and Constable Mohammad Shabir.

SSP said two civilians identified as 70-year-old Abdul Majid Khan and 25-year-old Parvaiz Ahmad Khan also sustained bullet injuries in CISF firing. "Both are out of danger," he said.

However, the locals alleged that seven persons were injured in CISF firing.

After the firing incident, tension gripped Boniyar area and hundreds of people irrespective of age and gender took to roads and protested against CISF personnel. Protesters were raising slogans against CISF and NHPC. The protestors, in unison, were demanding severe punishment to the CISF personnel responsible for killing the student. A complete shutdown was observed in the area.

The locals blamed police for its failure in preventing the tragedy. Villagers' alleged that only seven policemen were left at the scene, where people were agitating against non availability of electricity.

An eyewitness Syed Shaid Shafi, a resident of Boniyar, who was among the

protestors, said only seven policemen were deployed to control the gathering of more than 300 persons near the main gate of Uri hydel Power project.

"The policemen were deployed in strength in the area. However, when top officials including SDM, tehsildar and SDPO Boniyar called on nine sarpanches and took them to tehsildar office for talks, more than 200 people accompanied them along with bulk of police deployment," Shafi said.

"We were standing 100 odd meters from the hydel power project's main gate. The seven policemen were mixed in the crowd," another eyewitness Syed Mudasir, a resident of Boniyar, told media.

He said people were raising slogans and there was anger against NHPC. "The cops should have sensed trouble and intervened. Instead of increasing the strength of policemen, the cops left the scene. As people were protesting against NHPC, CISF personnel came out of the gate and fired on the crowd. While people started running for safety, a policeman with a beard ran towards CISF man to stop him from firing on crowd," he said.

Mudasir said the policeman was without weapon and struggled to stop CISF man from firing live rounds on protestors. "The CISF man kept firing despite the cop holding muzzle of his gun. The policeman finally managed to overpower the CISF personal and take his weapon. Had policeman not intervened, the casualties would have been on higher side," he said.

The residents said had there been enough police deployment near the main gate, CISF personnel could have been stopped from firing on protestors and the casualties could have been avoided.

DIG North Kashmir Muneer Khan said the matter actually pertained to civil administration. "Police's task was to inform civil administration so that they can take appropriate action. Police was busy in stopping the protests at three other places on the same day," he said

Anticipating the situation could go out of control, a high level official team was rushed to the spot to pacify the people.

An official spokesman told media that Chief Minister Omar Abdullah dispatched a high level team comprising Minister for PHE, Taj Mohi-ud-Din, Minister of State for Home,

Nasir Aslam Wani and Director General of Police, Kuldeep Khoda to the spot.

Reacting to the killing of the student, Chief Minister Omar wrote on twitter, "5 arrests have been effected and a case registered against the troopers".

He further said no protection under AFSPA will be considered since they weren't on counter-insurgency deployment.

On January 3, according to NDTV, Chief Minister's motorcade was blocked by a crowd of around 200-300 people while he was on his way to the victim's home. "Omar got out of his car and told them that it was a murder as the boy was returning from his tuition with books in his hand and two bullets were shot at his chest. There is no other way of terming this incident," he said.

PHE Minister Taj Mohiuddin told a local news gathering agency, KNS, "It is a simple case of murder as CISF personnel came out of their camp and opened fire on protestors. Two of the CISF personnel were in civvies and one was in uniform".

Asked whether an inquiry has been ordered into the incident, he said, "There is no need to hold inquiry into the incident as it is a simple case of murder."

CISF Chief N R Das on January 3 said guilty troopers involved in killing of 21-year-old youth Altaf Ahmad Sood at Boniyar will be punished. Das paid a visit to the spot, where the firing incident had taken place Jan 2. Senior CISF officers and men briefed him about the situation.

"CISF will conduct a parallel internal inquiry into the incident," he said and promised that the guilty will be punished.

On January 2, state government ordered a Magisterial Inquiry into the incident and appointed Additional Deputy Commissioner Baramulla, Manzoor Ahmad Qadri as inquiry officer. The ADC is supposed to submit the report within 15 days

A BRIEF ABOUT ALTAF:

Altaf belongs to an impoverished family; the victim's Bashir Ahmad has raised his three children including Altaf with great difficulty. Altaf was the eldest of the three siblings.

Bashir is a labourer by profession. The family is extremely poor and they were spending each penny on Altaf's education for his better tomorrow. All their hopes of better future wrested with Altaf.

The family said Altaf was a class 12th student and returning from tuitions with a group of students from Baramulla.

"He was studying in Class 12th and was enrolled in higher secondary Baramulla. On that fateful day, he left his house in the morning for tuitions and submitting school fees. On return, when he saw people assembled near the main entrance of NHPC, he stopped there. Later the

CISF personnel targeted him and killed him in cold blood," Altaf's cousin Rashid said.

He said the fees receipts and books were with him when he was shot. "Altaf was a very diligent and always scored good marks in the exams. He was the only hope for the impoverished family, who live in abject condition," he said,

"Now all the dreams of the family lay shattered," added Rashid.

APDP DENOUNCES "NATIONAL SECURITY THREAT" ALIBI OF POLICE INFO DENIED UNDER RTI

Oct 17: Association of Parents of Disappeared Persons (APDP) submitted an application for information under Right to Information Act 2009 to the office of the Public Information Officer of State Department of Home. The application was regarding unmarked graves and mass graves in all the districts of Jammu and Kashmir. The State Home Department vide its letter no: Home/RTI/2011/1659 dated: 24th October 2011, transferred the application to the office of Director General of Police, Jammu & Kashmir. Later Director General of Police, Kuldeep Khoda sent communiqué vide no. legal/RTI/III/98/2011-5590-91 dated 10th December 2011 to the SSP CID Headquarters, asking him to furnish a detailed report on this issue.

On 25th January 2012, we have received a response from the SSP CID Headquarters vide letter no: CID/GB/RTI/2011/8756-58, in which the CID Department has informed us that the information regarding the unmarked graves and mass graves in all the districts of Jammu and Kashmir cannot be shared as the disclosure of the information, according to Jammu and Kashmir Police would be "*prejudicial to the maintenance of public peace and tranquility, as the anti-national elements may use the same for incitement of commission of offence in the state*". The SSP CID Headquarters further states, "In the present security scenario it is quite imminent that consequences of such a situation

would be highly prejudicial to the sovereignty, integrity and security of the state".

We fail to understand how information regarding the unmarked graves and mass graves would become threat for the security and sovereignty of the state, when even the State Human Rights Commission has recently endorsed our findings regarding the existence of unmarked graves and mass graves in North Kashmir. This denial comes after the Chief Minister of Jammu and Kashmir repeatedly promised that thorough investigations would be carried out regarding unmarked graves and mass graves.

Every time state is afraid of truth and every time state shows reluctance in promoting the processes of justice. People of Jammu and Kashmir and particularly the family members of more than 8000 disappeared persons have the right to know how many unmarked graves and mass graves exist in Jammu and Kashmir and also people want to know who are the ones buried in these graves.

It has now become routine for the state to use the pretext of the security to cover up human rights crimes and thus deny justice. Crimes cannot be hidden to protect the sovereignty, integrity, security, peace and tranquility.

APDP has already filed the first appeal under section 16 (1) of the J&K RTI Act 2009 at the first Appellate authority of the Police Headquarters.

NO PROSECUTION NOD FOR ARMY PERSONNEL ACCUSED OF HR ABUSE

Jan 30: Union Ministry of Defence has denied sanction for prosecution under Armed Forces (Special Powers) Act (AFSPA) to the state home department in 19 out of 24 cases against army personnel in last five years on grounds that the "allegations leveled have been framed by anti-national elements."

On January 10, 2012, while replying to a Right to Information (RTI) application filed by Jammu and Kashmir Coalition of Civil Societies (JKCCS), the defence ministry has said the Jammu and Kashmir Home Department had sought sanction for prosecution in 24 cases during 2007 till December 15, 2011.

"Of these 24, five cases are under examination. In the remaining 19 cases, the request for prosecution sanction were rejected as it was found on examination that no *prima facie* case was made out against the accused army personnel," reads the defence ministry reply vide number 23 (03) 2012-D (AG).

In all the 24 cases in which the state government had requested for prosecution sanctions, the police has registered FIRs and completed investigations. These 24 cases are related to human rights abuses like, rapes, custodial disappearances, custodial killings, killings by shooting and torture leading to deaths.

About 19 cases, wherein the sanction for prosecution under AFSPA has been denied by defence ministry includes a rape case that took place on January 3, 1997, at Hakoora-Manzgam Anantnag in which one Major Arora of 5th RR has been accused of the crime under FIR number 08/1997. The sanction for prosecution in this case has been denied on April 21, 2007.

Giving the reasons for declining sanction for prosecution in this case, the defence ministry has written: "There were a number of inconsistencies in the statements of witnesses. The allegation was lodged by the wife of a dreaded HM militant. The lady was forced to lodge a false allegation by Anti National Elements (ANEs)."

The second case in which prosecution sanction has been declined pertains to alleged custodial disappearance of Manzoor Ahmad Mir son of Ghulam Mohammad Mir, a resident of Tantray Pora Delina Baramulla. According to the JKCCS, Mir was lifted allegedly by Captain Atul Sharma of 22 RR and two renegades on September 7, 2003.

The FIR number 224/2003 stands registered with the police in this case. In this matter, the sanction for prosecution was denied on February 23, 2009.

"Allegation motivated by vested interests to malign the image of security forces. Neither any operation was carried by any unit in the area nor any person was arrested as alleged," reads the reason cited by the ministry of defence in response to the second case.

The third case is about alleged custodial death of Mehraj-u-Din Khanday, son of Ghulam Nabi Khanday, a resident of Deethu Nagandian Anantnag who according to the JKCCS was arrested on December 12, 2000. In this case,

under FIR number 18/2001 the state government had sought sanction for prosecution against Major A K Morea but the same was declined on February 23, 2009. For declining sanction for prosecution in this case, the defence ministry has this reason: "**Officer not involved in killing. Attempt made by terrorists and sympathizers to malign the officer and tarnish the image of army.**"

Fourth case is about alleged custodial death of Mohammad Yaseen Dar son of Mohammad Rajab Dar a resident of Brakpora Anantnag. The incident took place on June 26, 1995. The police had registered a case under FIR number 213/1995 against Major Anil Kumar and Major Khushwa of 2nd RR.

On February 25, 2009, the defence ministry rejected the state government request for prosecution sanction, saying: "**The deceased was a militant in possession of arms and killed in a legitimate encounter.**"

Fifth case pertains to Mohammad Maqbool Dar son of Samad Dar a resident of Batpora Handwara who died allegedly due to torture on March 13, 2000. The Police registered FIR number 30 of 2000 and the accused army personnel have been named as Major R S Athreye and Captain Awasthi. However, the ministry of defence rejected the state government request for prosecution sanction on February 26, 2009 with a reason: "**The FIR and the statement of witnesses stand in contradiction. The unilateral conclusions reached by the police appeared to have pressure from terrorists and sympathizers to blame and malign the image of army.**"

Sixth case in which sanction for prosecution has been denied is of Sheikh Hamza son of Sonallah a resident of Watergam. According to JKCCS Hamza was arrested on July 7, 1999 and was allegedly tortured to death. The state government had sought sanction for prosecution against Captain Gorpala Singh in Hamza's case but the same was denied on by the ministry of defence on January 15, 2010 because: "**Individual was released after questioning. The FIR was lodged after 20 months from the date of operation. The individual named were never borne on the strength of the unit.**"

Seventh case is about torture leading to death of Altaf Shah son of Ali Mohammad Shah a resident of Pethzanigam Beerwah. The police had registered FIR number 73/2002 against

Major Vikas and captain Raju. The defence ministry denied sanction for prosecution in this case on February 8, 2010 saying: "Individual was apprehended in a *bona fide* operation and handed over to police. The individual expired after four days in police custody. Army's involvement not established in killing of the individual."

Eighth case is about Farooq Ahmad Bhat son of Mohammad Bhat a resident of Sadder Bazar Bijbehara Anantnag in which police had registered FIR number 106/1993 against Major Alok Chakarborthy but the ministry of defence declined the sanction for prosecution denied on March 15, 2010 saying "Allegation leveled is devoid of substance. Police have not brought out any credible evidence to *prima facie* prove that the individual died in military custody."

In ninth case wherein the sanction has been declined, the police had registered FIR number 154/98 against Subedar US Thapa and Havaladar Harminder Singh for their alleged involvement in shootout case in which Nisar Ahmad Dar son of Farooq Ahmad Dar a resident of Dadsora had died.

On April 8, 2010 the defence ministry while declining the sanction has said: "The case was registered after four years of the incident. Accusation was based on suspicion as there are contradictory statements of witnesses."

The 10th case wherein the defence ministry has rejected the state government request for prosecution sanction is about Ghulam Mohi-u-Din who died in a shootout on February 23, 2004 and the police registered a case against Major Rastogi under FIR number 9/2004. The state government's request for prosecution sanction was denied on August 19, 2010. "There is conflict between the post mortem report by four doctors and their subsequent statements given to the investigating officer after five months," reads the defence ministry response.

According to JKCCS, the 11th case is about December 5, 1999 rape incident in which the state government had sought sanction for prosecution against Major Aman Yadav of 28 Rashtriya Rifles. The FIR was registered by Panzla Police vide number 01/2000. While declining the state government request for prosecution sanction on September 23, 2010, the defence ministry has said: "The allegation is baseless and framed with mala fide intentions to

put the army on defensive." Pertinently, the defence ministry in its reply to RTI application has mentioned this case about torture leading to death.

FIR number 80/1997, is the case about killing of three civilians on July 16, 1997 in which the state government had sought sanction for prosecution against Major Ganpati. However, the sanction was denied on September 23, 2010 because the defence ministry said: "There is contradiction in the investigation carried out in the case by the police twice with a gap of 8-9 years."

The 13th case is about FIR number 64 of 2003 in which the state government had sought sanction for prosecution against Subedar Surinder Sinha 119 infantry battalion Assam regiment. In this case, it has been alleged that Javaid Ahmad Magray a student of 12th Class son of Ghulam Nabi Magray, a resident of Soitang (Lasjan), Tehsil Chadoora, Budgam was lifted during the intervening night of April 30 and May 1 2003 and later killed in a fake encounter. On January 3, 2011, the defence ministry while declining the prosecution sanction in this case has stated: "The individual killed was a militant from whom arms and ammunition was recovered. No reliable and tangible evidence has been to in the investigation report."

In 14th case in which the state government had sought prosecution sanction against Major S Bhattacharya, allegedly involved in a fake encounter leading to death of Abdul Gani Ganai a resident of Kralpora, Kupwara on December 22, 2001, the defence ministry which declined the sanction on February 2, 2011 has said: "The individual killed was a militant from whom arms and ammunition was recovered. The operation was conducted based on specific information provided by incharge police post Kralpora. All the witnesses examined by police are family members or close relatives of the individual killed."

15th case is about Major Aman Yadav allegedly involvement in a death in custody case in which the police had lodged an FIR number 30/2000. Prosecution sanction has been denied by the ministry of defence on March 15, 2011. "Involvement of Major Aman is not even *prima facie* established. The officer was not involved in the incident and the same has been established by the police investigation," incident report, seizure memo, FIR lodged by 28 RR and

statement of captain Chhatwal," reads the response form ministry of defence in support of rejection of state government's request for prosecution sanction.

The 16th case is about Colonel Juneja who according to police has been allegedly involved in December 17, 2006 incident of killing by shooting. On March 8, 2011, the defence ministry while declining the state government's request for his prosecution has said: "No officer by the name of colonel Juneja was ever born on the strength of 49 RR. Therefore question of involvement of Colonel Juneja in the case does not arise."

The 17th case where the prosecution sanction has been denied by the ministry of defence on May 23, 2011 is related to torture leading to death of Shamim Ahmad Bhat

[FIR number 20/2000 PS Handwara]. According to JKCCS, on February 20, 2000, Shamim was abducted and tortured to death. The reason for rejection of state government's request for prosecution sanction has been given as: "The allegation is baseless and framed with malafide intentions to tarnish the image of army."

In 18th case wherein the prosecution sanction has been declined is about Major Raghwan who according to police FIR number

08 of 2000 has been allegedly involved custodial killing of Ghulam Rasool son of Ghulam Mohammad Bhat, a resident of Hanjura who was died on June 15, 2000.

On November 29, 2011, while declining the prosecution sanction in this case the ministry of defence has stated: "Postmortem of the dead body reflected no injuries except a scratch on right wrist. The successive re-investigation of the case by police have recorded doctored statements of the witnesses much after the event to falsify implicate the officer and junior commissioned officer."

In last (19th) case wherein the ministry of defence has declined the prosecution sanction against Captain Piyara Singh Toor who has been allegedly involved in torture leading to death case under FIR 127/2003, the ministry of defence has stated: "The individual was handed over to police station Poonch on August 24, 2003 in medically fit condition within the laid down limit of 24 hours and the individual died on September 22, 2003 that is one month after his handing over to police."

Other than 19 cases, wherein the prosecution sanction has been declined, the five out of 24 cases, the ministry of defence has said are under examination.

TRAGIC FAMILY

RAHAM BEGUM (50)

WIDOW OF: GHULAM MOHI-UD-DIN LONE

R/O: WANTWOORA MOHALLA KHANDI KUPWARA
Raham Begum's deep scars, pain and sufferings, hitherto, go unnoticed. She has now learned how to live in tough situations arise after the tragedies struck her family one after another. She hails from a village, Wantwoora, Kandi, Kupwara (a distance of 110 km from Srinagar), where army and Special Task Force (STF) were ruling the roost particularly in 90s and the militants had their own way of operating in the area. Literally, the populace there was sandwiched between two barrels.

Raham mother of five children lost two of her young budding sons during the ongoing armed conflict. Her tears have dried up and in a way she has reconciled with what she described as "cunning fate".

Rahim's elder son Zahoor Ahmad, 20, disappeared in November 1995. Despite efforts there was no clue of him. On August 15, 2001, her second son Bashir Ahmad was decapitated by unknown gunmen, who never got

demythified. She lost her husband Ghulam Mohi-ud-Din to Tuberculosis. Raham's house got completely destroyed, when astray live ammunition fired during an encounter between militants and army hit her house.

"Zahoor Ahmad, a labourer, went out to buy cigarettes on one November evening in 1995 and he never return since then. The shop where he had gone to fetch cigarettes was only few meters away from our house. When he didn't return after hours passed, perturbed I went out to enquire about him. I found none outside and it was pitch-dark. As the Army, STF and *Ikhwanis* (govt. sponsored gunmen) had let loose reign of terror in entire area, fearful I returned back," Raham stated.

Raham further stated, "Next morning, I started searching him. I first contacted the shopkeeper from whom he was supposedly to buy cigarettes but the shopkeeper confirmed to me that he hadn't seen him that evening. Then I

visited his friends' houses and my relatives but couldn't get any clue about him. I muster some courage and met Army's Commanding Officer at Keegam army camp, who denied of having arrest any such person. Police refused to file FIR or missing report on the weird pretext that I should have to prove his disappearance to them."

Disappointed from everywhere and then prevailing army, STF and *Ikhwan* (govt. backed gunmen from *Gujjar* community) fear dissuades her to make any further search. "It was not easy to move around in the village, as the forces were on terror spree. I gave up his search hoping he would return of his own, if not arrested or kidnapped and more importantly if alive."

Few months later, in the month of March Raham turned widow, her husband Ghulam Mohi-ud-Din died of Tuberculosis. She stated, "My husband died of Tuberculosis. He was fighting the disease for years and her death left me alone and depressed. My children were minors and I had to manage entire affairs alone."

In March 1996, Raham's house caught fire and got destroyed completely when a live ammunition fired during exchange of fire between militants and troopers landed in her house. "For months together, I was shelterless, as my house caught blaze when a shell landed on a heap of dry leaves placed on the attic of my house. The ammunition emanated from nearby site of encounter between militants and armed forces, and destroyed my house completely. I have to sold my 1 ½ kanal of land to get my house re-build," Raham averred.

Again on August 15-2001 tragedy struck Raham's poor family. Her other son Bashir Ahmad was beheaded. Bashir was a salesman at a Chicken Shop in Drugmulla, Kupwara. "When

the *Magrib* (pre-dusk prayers) were going on in a local Masjid, meanwhile, a masked group of unknown gunmen stormed inside. They dragged out Bashir Ahmad from the prayer row and took him to some undisclosed location. The scene was witnessed by many villagers offering prayers in Masjid but none intervened, as the terror was deep-rooted in the villagers. Next day, his beheaded body was spotted by villagers in nearby forest. His head was lying few meters away from his body, depicting a horrible scene. The scene has chilled the spine of villagers," Raham said showing no signs of pain on her face, as she has become enough tough to endure any tragedy.

Before Bashir's killing, he was arrested and tortured number of times by army and STF. "Bashir was intimidated frequently by army, STF and *Ikhwanis* to work as their extension and provide them inputs about militant mobility. Bashir defied and vehemently refused to work for them. He was arrested and tortured quite often by STF and *Ikhwanis* but he never obliged to their dictates. It appears that they might have kidnapped and killed him to avenge his defiance," Raham grumbled.

Police had filed FIR into his murder but never initiated any enquiry to probe the matter.

"Police only filed FIR but never bother to proceed over it. We were not in a position to peruse the case, as everyone was controlled by the barrel of gun. I for the safety of my other children gave up and reconciled with the situation around," Raham grumbled.

Life has turned tough for Raham, she said, "The tragedies have wreck havoc to my life. I had to push my youngest son Farooq, 12, to child labour. He is conductor with a private bus. I myself have to trek forests to get firewood to make meager earning. Life is getting tougher for me with every passing day".

OUTSIDE SUFFERINGS OF KASHMIRIS

➤ KASHMIRI STUDENT SHOT AT IN MP

Jan 21: A Kashmiri student pursuing M Phil in English at Vikram University Ujjain in Madhya Pradesh was shot at and injured by assailants.

Eyewitness, Tanveer Ahmed, told media over phone two motorbike borne youth appeared near Zila Panchayat Koti road Ujjain this morning and asked Shabir, hailing from Botengo Sopore in north Kashmir, to show them the way towards Vikram University Ujjain. "Suddenly the duo fired upon him and he received injury in the neck," he added.

"Shabir was shifted to civil hospital Ujjain from where the doctors referred him to M Y Hospital, Indore. Till late night, Shabir was being operated at Indore hospital after CT scan detected bullet in his neck," said Tanveer.

The incident triggered panic among hundreds of Kashmiri students studying in the BJP ruled state.

When contacted, Inspector General of Police Ujjain range Upendar Jain said they are investigating the case.

"We are trying to find out who has committed the offence and are hopeful that the culprits will be nabbed soon," he said, adding that the condition of the student is out of danger.

He rebuffed the reports that attack has triggered panic among the Kashmiri students.

Superintendent of Police Sopore Imtiyaz Hussain said they are in touch with MP police. "We informed the family of the youth after receiving information about the incident," he said.

Abdullah posted on Twitter: "Spoke to the CM of MP regarding Ujjain shooting of Kashmiri youth. He has assured guilty will be punished and other Kashmiri boys' safety also."

IG Police, Ujjain range, Upendar Jain said the police are investigating the case. "We are trying to find out who has committed the offence and are hopeful that the culprits will be nabbed soon," he said.

➤ 2 JK YOUTH 'HARASSED' IN UJJAIN

Jan 23: Day after Chief Minister, Omar Abdullah talked to his Madhya Pradesh counterpart, Shivraj Singh Chouhan, about the shooting of a Kashmiri student in Ujjain, two students from Rajouri had a narrow escape on Monday when unidentified motorcycle borne youth tried to assault them.

The duo, identified as Waqar Ahmad Malik and Tasavar Hussain are pursuing M.Phil Political Science in Vikram University Ujjain.

"Around 2 PM when we left our university campus towards our rented accommodation, the youth riding on a bike appeared from the nearby lane and called us. Aware of the recent attack on our friend Shabir, we ran away. They chased us but we managed to escape," Waqar Ahmad told Greater Kashmir over phone.

"After this incident we feel threatened. We immediately shifted to our friend's place," he added.

Earlier, a Kashmiri student pursuing M Phil in English at the same University was shot at and injured by assailants on Saturday, January 21. He was attacked by assailants from appeared near Zila Panchayat Koti road Ujjain. They had fired upon him in the neck.

Shabir has been admitted in to civil hospital Ujjain from where the doctors referred him to M Y Hospital, Indore.

The JK students studying in MP told this newspaper that there had been several minor incidents of harassments in the past as well. "We ignored such incidents considering those as the common. But the recent attack on Shabir has made us insecure," a student from Islamabad (Anantnag) studying in MP told Greater Kashmir on the condition of anonymity.

The repeated incident of attacks on students has triggered panic among hundreds of Kashmiri students and their parents studying in the BJP ruled state.

Inspector General of Police Ujjain Range, Upendar Jain told this newspaper they are investigating the case. "The students are threatened by the recent attack on their colleague that is why they are suspicious on every stranger. As of now we haven't find any systematic scheme in these two incidents," he said.

About the previous incident, he said the local police was trying to find out who has committed the offence and are hopeful that the culprits will be nabbed soon. "We have located the areas on the information from the students and are ensuring their security," he added.

He also rebuffed the reports that attack is aimed at JK students and had triggered panic among the Kashmiri students.

53 BUILDINGS EVACUATED FROM FORCES: POLICE

Jan 1: Police said 53 buildings including the Srinagar stadium have been evacuated from security forces during the past year to promote cultural and sporting activities in the state.

"To restore sports, cultural and other activities, the Indoor Sports Stadium and 52

TRAINEE COP COMMITS SUICIDE

Jan 27: A trainee constable was found hanging in a barrack in Baramulla's Sheeri Police Training School, police said.

There was speculation that Puneet Kumar took the extreme step because he had

buildings in the state have been evacuated (from security forces this year)," DGP Kuldeep Khoda said.

He said these have been handed over to the concerned agencies.

been refused leave by his seniors, but there was no official confirmation.

"A case has been registered and investigation has been started to find out the reasons behind the trainee constable's death," said a police officer.

OFFICIAL STATEMENTS

➤ ZERO INFILTRATION ALONG INDO-PAK BORDER IN 2011: POLICE

'32 MILITANTS ACTIVE IN JAMMU REGION'

Jan 3: Police claimed that Jammu and Kashmir recorded zero infiltration for the first time in 2011 despite several attempts along the Indo-Pak border.

"2011 is first year that has witnessed 'zero infiltration' along Indo-Pak border. There has been no infiltration anywhere along the border in Jammu region," IGP (Jammu Zone) Dilbagh Singh told reporters in Jammu.

He said there have been dozens of infiltration attempts but they have not been successful.

Singh hoped that security along the border would remain intact and any infiltration bid would be foiled.

He was replying to questions on the security situation along Indo-Pak border, militancy situation in the zone and effects of Punjab polls on the security situation in J&K.

To a question about the state of militancy in Jammu region, Singh said, "It was the best year as far as security, militancy and peace are concerned."

Referring to militancy, IGP said while Doda and Reasi districts are free from the militancy.

"There is presence of militancy in Kishtwar, Rajouri and Poonch, though it is very marginal in Ramban district of Jammu region," he said.

He said 32 listed militants were operating in Jammu region at present. "Police and forces have killed 32 militants including 11 top commanders last year. Due to fear of forces, militants have gone underground. But our endeavour is to stamp out militancy completely from the region," he said.

➤ PATHRIBAL ENCOUNTER FAKE: UNION MINISTER

Jan 24: Union Minister and former Chief Minister Farooq Abdullah said the Pathribal incident was a "fake encounter" and said all those responsible for it should be "chargesheeted" for killing innocent people.

"Yes, it was a fake encounter. All those who are responsible for having killed innocent people must be chargesheeted whether they are in the Army or they are civilians. You can't kill innocent people and say that I have got a safety certificate," Farooq Abdullah told reporters in Delhi.

He was asked if the Army should allow the prosecution of its officers in the wake of the Supreme Court observations.

"Whether you are the highest or the lowest, you have to pay price for your actions," he said. Pertinently, Dr Abdullah was the Chief Minister of the state when the fake encounter took place.

➤ AFSPA BACK IN FOCUS AFTER SC JAB: OMAR

Jan 24: Asking the Government of India to give a 'serious look' to the recent rap on Army by the Supreme Court, Chief Minister Omar Abdullah said the Pathribal fake encounter case has brought back Armed Forces Special Powers Act (AFSPA) into focus.

"This again calls into question the entire debate of Armed Forces Special Powers Act (AFSPA) and the way in which it is implemented or the way it is used," Omar told a Delhi-based news channel, adding, "One of the travesties of our justice system is that 12 years down the line we have not been able to deliver justice."

Omar made these remarks a day after the Supreme Court admonished the Army to not

"play with the courts" and stop taking recourse to the AFSPA to stall the prosecution in the Pathribal fake encounter case.

> PSA WOULD BE GIVEN HUMAN FACE: LAW MINISTER

'GOVT. FIRM TO CARRY OUT AMENDMENTS IN LAW DURING BUDGET SESSION'

Jan 27: The Law and Parliamentary Affairs Minister Ali Mohammad Sagar said controversial Public Safety Act (PSA) would be given a "human face" under the new proposed amendments.

"Government is firm to carry out new amendments to the law (PSA) in the upcoming budget session of assembly. Keeping the public opinion in view, a human face will be given to PSA in the new amendments," Sagar told media persons on sidelines of inaugural function of 5 day basic foundation course for elected

representatives to Panchayati Raj Institutions (PRI's) in central Kashmir's Budgam district.

He said the government is firm to carry out new amendments to PSA in the forthcoming assembly session in Jammu.

When asked about Governor's reported reservation on PSA amendments, Sagar said government has replied to all his observations.

"In the forthcoming assembly session, we will discuss PSA amendments threadbare and get the law amended accordingly," he said.

He said under the new amendments, no minor would be arrested and put behind bars. "We believe that no minor should be arrested. However, in case of foreign militants we have some reservations. The law will be amended to 6 and 3 month from the 2 to 1 year imprisonment," he added.

Under PSA, a person can be arrested for two years without any trial.

LIST OF CIVILIANS KILLED IN 2011

NO.	NAME	Occ upation	DATE OF KILLING	AGENCY / CAUSES
1.	Kulsoom (19) D/o: Ghulam Qadir Dar	Student	Jan 31-2011	Suspected Militants
2.	Rehana (17) D/o: Ghulam Qadir Dar	Student	Jan 31-2011	Suspected Militants
3.	Farooq Ahmed Sheikh son of Abdul Gani Sheikh	Political Worker	Feb 6-2011	Unidentified Gunmen
4.	Manzoor Ahmad Magray, 22	Student	Feb 5-2011	4 Para Army
5.	Muhammad Shafi Khanday (42)	Not Known	Feb 9-2011	Not Known
6.	Noor Mohammad (12) S/o: Mohammad Maqbool Dar	Student	Feb 13-2011	Explosion
7.	Bisma (9) D/o: Mohammad Maqbool Dar	Student	Feb 13-2011	Explosion
8.	Muskan (6) D/o: Mohammad Maqbool Dar	Student	Feb 13-2011	Explosion
9.	Ghulam Hassan Dar, (47) son of Ghulam Muhammad		Feb 18-2011	Unidentified Gunmen
10.	Mohammad Ayub Wani s/o Khaliq Wani	Not Known	Feb 27-2011	Unknown Gunmen
11.	Nazir Ahmad Lone S/o: Mohammad Abdullah Lone	Shopkeeper	Feb 28-2011	Unknown Gunmen
12.	Showkat Ali Khan	Not established	March 1-2011	Grenade Explosion

13.	Abdul Rashid s/o Mohammad Akbar	Political Activist	March 16-2011	Not Known
14.	Haneefa Wani, 35,	Not established	March 25-2011	Police / CRPF
15.	Mohammad Yasin Mir	Not established	March 25-2011	Not Known (He was missing from March 2-2011)
16.	Asra Shafi, (6) d/o Mohammad	Student	March 27-2011	Not Known (Her throat was slit)
17.	Ghulam Mohi-ud-Din Bhat	Political Activist	March 30-2011	Unidentified Gunmen
18.	Moulana Showkat Ahmad Shah	Political Activist	April 8-2011	suspected militants
19.	Muhammad Aslam Thakre, 42, son of Abdul Rehman	Not established	April 9-2011	Unidentified Gunmen
20.	Sajjad Ahmad Dar son of Abdul Rehman Dar	Not established	April 10-2011	Unknown Gunmen
21.	Y Kumar son of Karam Chand	Shopkeeper	April 12-2011	Explosion
22.	Pretam Lal S/o: Ramlal	Not established	April 12-2011	Explosion
23.	Muhammad Amin Ganaie son-in-law of Ghulam Muhammad Khan	Driver	April 16-2011	Mysteriously
24.	Hasina Begum	Political Activist	April 16-2011	Unidentified Gunmen
25.	Muhammad Ashraf Lone	Not established	April 24-2011	Unknown Gunmen
26.	Mohammad Ashraf Lone son of Abdul Rashid Lone	Not established	April 24-2011	Not Known (His body recovered from an orchard in Seerjagir area of Sopore)
27.	Shamsudin Mir alias Jana son of Muhammad Shaban Mir	Not established	April 30-2011	Unidentified gunmen
28.	Not established	Not established	May 2-2011	car-bomb blast Sgr-Jammu Highway (by suspected militants)
29.	Mohinder Singh	Not established	May 3-2011	Hit by splinter fired by BSF during a firing practice
30.	Mintu, 22 s/o: Inder Singh	Not established	May 6-2011	Killed by his own father (A VDC member)
31.	Farooq Ahmed Malik S/o: Mohammad Sadiq Malik	Not established	May 10-2011	Killed by SPO
32.	Abdul Gani son of Aziz Ahmed Rather	Political Activist	May 10-2011	Suspected Militants
33.	Mukesh	Not established	May 29 -2011	Mortar shell exploded in a firing range in Akhnoor border
34.	Mohammad Jamaal Kumhar son of Mohammad Ramzan	Not established	June 4-2011	Not Known He was missing for some time and his body was found at Nallah Pahru near Sonerwani Bridge.
35.	Mohammad Afzal Khan	Shopkeeper	June 6-2011	Unidentified gunmen
36.	Junaid Ahmad Khuroo, 20 S/o: Abdul Qayoom	Student	June 29-2011	Police
37.	Abdul Rashid Reshi	Not established	June 11-2011	CRPF
38.	Manzoor Ahmad Dar	Not established	June 15-2011	Unidentified Gunmen

39.	Adil Yusuf, 19,	Student	July 10-2011	Grenade Explosion
40.	Obaid Yusuf, 9.	Student	July 10-2011	Grenade Explosion
41.	Ashfaq Ahmad Khan, 21	Not established	July 22-2011	Died while fiddling with an explosive.
42.	Babar Khan, 20	Not established	July 22-2011	Died while fiddling with an explosive.
43.	Mohsin	Private Employee	July 24-2011	Unidentified Gunmen
44.	Mohammad Ashraf (28)	Not established		Unidentified Gunmen
45.	Nazim Rashid, 26, son of retired police officer Abdur Rashid Shalla	Shopkeeper	July 31-2011	Police
46.	Ashok Kumar	Not established	August 7-2011	Army / police
47.	Saleema Begum, 35	Housewife	August 22-2011	Crossfire
48.	Rafiq Hussain Nangroo son of, Ghulam Mohammad Bangroo	Not established	September 04-2011	Not Known Body found under mysterious circumstances.
49.	Ali Muhammad Bhat (47) S/o: Abdul Rehman Bhat	Not established	September 20-2011	Explosion
50.	Mudasir Ahmad Khan (15) S/o: Sonallah Khan	Not established	September 20-2011	Explosion
51.	Syed Mohammad Yousuf	Political Activist	September 30	Police
52.	Mazzafar Ahmad, 18, son of Ghulam Mohammad Mir	Student	October 12-2011	Police/CRPF
53.	Mushtaq Ahmed Sofi	Employee Govt. Forest Deptt.	November 20-2011	Unknown Gunmen
54.	Mushtaq Ahmad Ganaie (26)	Driver	Dec 07-2011	Mysteriously
55.	Tariq Ahmad Bhat S/o: Abdul Salaam Bhat	Shopkeeper	Dec 14-2011	Mob Assault
56.	Bashir Ahmad Bhat S/o: Muhammad Jamal Bhat	Political Activist	Dec 24-2011	Unknown Gunmen

KILLING FIGURES IN THE MONTH OF JANUARY 2012

DATE	TROOPERS	MILITANTS	CIVILIANS	OTHER
Jan 01	-	-	-	-
Jan 02	-	-	1	-
Jan 03	2	-	-	-
Jan 04	1	-	-	-
Jan 05	-	-	-	-
Jan 06	-	-	-	-
Jan 07	-	-	1	-
Jan 08	-	-	-	-
Jan 09	-	-	-	-
Jan 10	-	-	-	-
Jan 11	-	-	-	-
Jan 12	-	-	-	-
Jan 13	-	-	-	-
Jan 14	-	-	-	-
Jan 15	-	-	-	-

Jan 16	-	-	-	-
Jan 17	-	-	-	-
Jan 18	-	-	-	-
Jan 19	-	1	-	-
Jan 20	-	-	-	-
Jan 21	-	-	-	-
Jan 22	-	-	-	-
Jan 23	-	-	-	-
Jan 24	-	-	1 Congress worker	-
Jan 25	-	-	-	-
Jan 26	-	-	-	1 unknown intruder
Jan 27	1	-	-	-
Jan 28	-	-	-	-
Jan 29	-	-	-	-
Jan 30	-	-	-	-
Jan 31	-	-	-	-
Total	4	1	3	1
IN TOTO			9 KILLINGS	

CHRONOLOGY OF INCIDENTS JAN 2012

Jan 01: No incident of violence reported from any part of J&K state.

Jan 02: A 21-year-old student was killed and two others injured when paramilitary Central Industrial Security Forces (CISF) personnel opened fire on protesters at Boniyar in North Kashmir's Baramulla district when they were staging a *dharna* against the frequent power cuts. The deceased had been identified as Syed Shaid Shafi, a resident of Boniyar and the injured were identified as 70-year-old Abdul Majid Khan and 25-year-old Parvaiz Ahmad Khan.

Jan 03: A BSF official and a CRPF trooper were found dead under mysterious circumstances at different places in Kashmir Valley. BSF inspector Omprakash Maan was found dead at a camp in Gulmarg in north Kashmir's Baramulla district, police said. In another incident, CRPF constable Leela Ram, posted at Humhama in central Kashmir's Budgam district, was found dead in his camp.

Jan 04: In a case of mistaken identity, a BSF man shot dead by his colleague in border district of Poonch. Reports said, H Battacharya was shot at by Havaldar S Kaltron, who was on duty at a security force camp in forward area of Balnoi belt at Indo-Pak border," police officials said.

Jan 05: No incident of violence reported from any part of J&K state.

Jan 06: No incident of violence reported from any part of J&K state.

Jan 07: A civilian was killed and five others including two policemen injured in north Kashmir's Sopore town in a spate of militant attacks. The deceased civilian was identified as Mehrajuddin Hajam, a resident of Hajim in Bandipora and working at a shop in Sopore town. The injured civilians were identified as Haji Muhammad Ramzan Khuroo of Kralteng Sopore, Tariq Ahmad Langoo of Noorbagh Sopore and Muzaffar Ahmad Bisati of Shalpora Sopore. The injured policemen were identified as Altaf Ahmad Bhat, belt number 213, and Shabir Ahmad Mir, belt number 483.

Jan 08: No incident of violence reported from any part of J&K state.

Jan 09: No incident of violence reported from any part of J&K state.

Jan 10: No incident of violence reported from any part of J&K state.

Jan 11: No incident of violence reported from any part of J&K state.

Jan 12: No incident of violence reported from any part of J&K state.

Jan 13: No incident of violence reported from any part of J&K state.

Jan 14: No incident of violence reported from any part of J&K state.

Jan 15: No incident of violence reported from any part of J&K state.

Jan 16: No incident of violence reported from any part of J&K state.

Jan 17: No incident of violence reported from any part of J&K state.

Jan 18: No incident of violence reported from any part of J&K state.

Jan 19: Army claimed that it had killed a militant in an encounter near the Line of Control (LoC) in Poonch district. The identity of the deceased has not been confirmed.

Jan 20: No incident of violence reported from any part of J&K state.

Jan 21: No incident of violence reported from any part of J&K state.

Jan 22: No incident of violence reported from any part of J&K state.

Jan 23: No incident of violence reported from any part of J&K state.

Jan 24: Unidentified gunmen shot dead a Congress activist in the South Kashmir district of Pulwama. Police sources said that unidentified gunmen fired upon Ajaz Ahmad Shah S/O Abdul Gani Shah, aged 47, of Shubdani Newa village in a field resulting into his on the spot death. The deceased, they said, was a Congress Sewa Dal worker while his wife Shahzada is also a Panch. "Police has registered a case FIR No. 15 under section 302 RPC and 7/22 Arms Act and further investigations are on."

Jan 25: No incident of violence reported from any part of J&K state.

Jan 26: Border Security Force (BSF) men shot dead an alleged intruder, while he was trying to sneak into this side from the Akhnoor sector, sources said. However, the intruder, BSF claimed, did not stop, forcing the security men to open fire. The intruder was killed in the BSF firing and his body was recovered near the zero line.

Jan 27: Militants targeted an army convoy in North Kashmir's Baramulla district with a grenade, causing injuries to a civilian. Reports said, militants lobbed a grenade towards an army convoy at Azad Gunj chowk in Baramulla. The grenade, however, missed the intended target and exploded on road, causing injuries to a civilian. The injured identified as Master Mohammad Sultan of Chakloo was shifted to District Hospital, Baramulla, where he is undergoing treatment. In a separate incident a trainee constable was found hanging in a barrack in Baramulla's Sheeri Police Training School, police said. There was speculation that Puneet Kumar took the extreme step because he had been refused leave by his seniors, but there was no official confirmation.

Jan 28: No incident of violence reported from any part of J&K state.

Jan 29: No incident of violence reported from any part of J&K state.

Jan 30: No incident of violence reported from any part of J&K state.

Jan 31: No incident of violence reported from any part of J&K state.

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