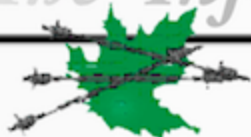


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Muslim body takes up nameless grave issue
condemned govt. attempt to scuttle probe

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MINORITY'S CONCERN ON HUMAN RIGHTS IN KASHMIR

All India Majlis-e Mushawarat (AIMMM), an umbrella body of Indian Muslims organizations statement on unmarked graves is a pleasant surprise. AIMMM in its statement has condemned the J&K govt.'s "attempts to scuttle further probe" in 2156 unmarked graves unearthed by State Human Rights Commission at 38 sites in North Kashmir. AIMMM has also expressed its concern over the disappeared people of Kashmir and has urged for punishment of culprits of human rights violations. Since the conflict started in J&K, political and civil society from minority community have shown little concern towards state sponsored terrorism in state. They have shown more concern about the implications of Kashmir dispute. Though, large number of activists from majority community frequented the state, prepared reports and have publicly urged for putting an end to human rights violations, for the primary reason that it has adversely affected the image of India and has further internationalized the Kashmir issue. They have taken position on human rights according to their own political interest, with an exception of few to dear to speak the truth about Kashmir dispute.

According to our experiences, very few activists from minority communities have taken principled position on the systematic and institutional state repression in Kashmir and denial of right to self determination to Kashmiri people. Syed Shahabudin, a Member Parliament was an exception. Seldom there has been any effective engagement by the activists from minority community in Kashmir for the fear that they may face reprisal back home. The minority groups like Sikhs were very defiant after Chattisingpora massacre 2000, in which 36 Sikhs were massacred by the gunmen. There was a genuine outrage against the massacre from Toronto to Chhattisgarh. Early efforts were made to provide relief to the victims and highlight the issue internationally for protection of left over minorities of J&K.

During earthquake 2005, besides INGO, NGOs and Muslim philanthropic groups visited Kashmir to provide relief to the earthquake affected. Christian Missionary Groups in India have least taken any position on the repression of majority community in J&K state. The executive secretary, National Council of Churches, Delhi visited Kashmir and happened to meet us after the "outrage" on Christian conversions. Though he was satisfied that the India media has blown the matter of Christian "persecution" out of proportion in J&K. During informal conversation the visiting delegate admitted that his organization has been active on Palestine but hadn't taken any moral position on Kashmir. He promised on his return to Delhi, he will take up human rights issue in the board. But we are yet to hear anything from him.

Lot of Muslim clergymen are engaged in Kashmir not for speaking on human rights situation but on frivolous religious issues. The *Sarkari Mulas* from different religious institutions, in a planned manner, are engaged to promote the hidden agenda to divide the majority community on different sectarian issues. These clergymen with nexus of local *Mulas* are declaring whatever is happening in is un-Islamic and *fasaad* (turmoil). They are working overtime helping the state in its design to divide Kashmiris on ethnic religious, lingual and cultural issues. These clergymen have become part of govt.'s nefarious design. Local *Mulas*, who have remained silent on mass graves, rapes has chosen affront on other sects on frivolous issues.

One can understand helplessness of Indian Muslims and its indifference towards Kashmir, since partition the largest minority in India have faced institutional injustice from the state. There had been pogroms and massacres. The govt. responses were appointments of commissions and enquiries from Nellai Massacre 1983 to Gujarat pogrom 2002, but the perpetrators have not been punished. Different Commissions like in Mumbai riots of 1992-93 (Shri Krishna Commission) Commission on Bhiwandi (Madan Commission) Tellicherry riots 1971 (Joseph Commission), Ahmadabad riots 1969 (Reddy Commission) or Kanyakumari riots 1992, Jamshedpur riots or 1984 anti-Sikh riots in Delhi these Commissions established the role of Hindutva activists but none was brought to book. Moreover, the official complexity coupled with anti-minority biased Indian police has been established but no action was taken against the perpetrators. The aim was to give out the message to the minority community that they are helpless particularly the Muslim Community, whose conditions are worst than Dalits, nothing has changed even after the Sacher Committee's report. Had action been taken against the accused persons in Mumbai riots identified by Shri Krishna Commission the 2002 Gujarat riots would have been averted.

The institutional denial questions the official credential of the state claimed to be committed to secularism, only exposes the secular farce. Under this situation, the minorities in India with their backs already with the wall cannot do much. Their engagement in Kashmir, which is otherwise a hot potato for conscientious Indians and least they will took their necks out. At least liberal and secular civil society activists in India were proactive after Gujarat pogrom but the same are very silent on Kashmir. Not to speak of the activists of minority community, which has got ghettoized and are facing discrimination from the state on day to day basis, for them to get involved in Kashmir quagmire means creating further suspicion and distress from the state.

KIDNAPPED BY ARMY MEN, MAN CLUELESS ABOUT HIS WIFE'S WHEREABOUTS

INVESTIGATION BRINGS OUT RAPE OF HOSTAGE

Shabeena's kidnapping left her husband wondering about her actual fate. On May 19, 2012, Shabeena Akthar, in her 40s, wife of Amir Din leaves her husband's house to enquire about her parents' health, who resides at Sawjeyan, Mandi, Poonch. To reach there, she has to cover the distance of about 8 km. But to the utter disappointment to her husband, she never reached there at all. With the passage of time, it came to fore that she was abducted, raped and disappeared by 3 personnel belongs to 13 Sikh Regiment (army).

Police investigation and the witnesses' statements clearly indicted 3 personnel of 13 Sikh Regiment (army) for kidnapping, raping and later disappearing the woman. The police investigation further identified the culprits as, Jaswant Singh, Manmohan Singh and Gulvinder Singh of 13 Sikh Regiment. One of the witnesses' statements brought out Shabeena's alleged rape by one of the key accused Jaswant Singh. However, the accused are free despite having substantiated and convincing evidence against them.

Amir Din is frustrated over the continuous disappearance and actual fate of his wife. Amir holds the fear that she might have been murdered by the kidnapers to silence her for eternity. Amir Din feels let down by the judiciary, which acted in docile manner in the case.

Amir Din, a smalltime businessman, travelled from Poonch to Srinagar with the hope that he would be able to fully-highlight the incident in order to mount pressure on the army to prosecute the accused. Few local newspapers published his story with prominence but his fight seems long drawn.

Amir Din talked to *The Informative Missive* at length to relate the incident said, "I made every attempt to know my wife's whereabouts but so far hadn't reached anywhere. The painful failure keeps me haunting what exactly had happened to my wife."

While recalling the day, when she left her home hale and hearty, he said, "Shabeena on May 19, 2012, Saturday left house to see her parents with the word that she will return by Monday morning, May 21. But when she failed to reach back, I went to my in-laws house to get her home. On reaching there, I was shocked to know that she hadn't reached there whatsoever."

Amir Din, whose frustration was quite palpable on his face and was also explicable by his gestures, further stated in a choked voice, "I went all those places I guessed she might visit, but nothing came to fore. Then, I reported her disappearance with Mandi police station. Police was quick to act on the missing report and initiated investigation into the matter."

During the investigation, it has transpired that Jaswant Singh of 13 Sikh Regiment Assam and his associates also works for the same regiment kidnapped Amir's wife. It was also established that the accused has taken her to Punjab where two of the accused, Jaswant Singh and Manmohan Singh, resides.

The investigation outcome was disturbing to Amir Din and made him restless. Impatient to get back his wife Amir Din and one of his relatives went with the police team deputed to Punjab to investigate the matter further. "In July 2012, the police team headed by ASI Younis Khan, Investigation Officer (I.O.), was deputed to Punjab to probe the matter. I along with my relative went with the team with the hope that we can get her back home. There with the help of Punjab police Jaswant Singh's residence was raided. As Jaswant Singh was away, his father Pal Singh was taken into custody by the police and brought to Poonch," the disturbed Amir Din stated.

In Poonch before the Chief Judicial Magistrate, Pal Singh recorded his statement, wherein, he clearly deposed that his son Jaswant Singh and Manmohan Singh has kept Shabeena hostage for 15 days in his house. "Pal Singh in his implicating statement admitted his son's crime. He unfolded the entire episode, how his son kept her hostage for 15 days (from May 19 to June 13) at his house. Pal Singh also made an important mention that on June 12 evening Jaswant and Manmohan both entered the room, where they had kept Shabeena, and bolted it. The entire night they spent together. Early morning on June 13, they took her to somewhere. For three days Pal has no news of his son, who appeared on June 16 only to collect his haversack," Amir Din said while expressing his grave apprehensions about his wife's safety.

Amir Din fears that his wife would have been murdered by the duo to bury their crime. He believes, Jaswant and Manmohan will not allow her to move back home, for the reasons that she could remove the lid from the atrocities they had let loose on her.

Police filed FIR No. 42/2012 U/S 366/109 RPC in the matter and the investigation is underway. The Chief Judicial Magistrate (CJM) passed separate orders in the matter.

On 05-09-2012 CJM issued a warrant to 93 Infantry Brigade Poonch asking it to produce the accused. In another order dated 05-09-2012 wherein it has been directed to police to interrogate the accused but within Brigade premises between 9 am to 5 pm. However, police finds it difficult to get interrogated them inside the camp, as there was absolute non-cooperation from the army. Then on 11 - 09 - 2012 on court directions 15 days remand of accused was granted. Finally, CJM order dated 29-09-2012 directing the police that the accused be handed back over to the army. Since then the accused personnel are with the army and the prosecution seems impossible.

During the police interrogation, the accused personnel admitted their crime. They revealed how they knit the plan and execute it against the victim. Jaswant Singh also made clear in his admission that he had kept the lady hostage for 23 days.

Also the driver Lucky Chowdhary, one of the key witnesses to the crime, who was hired by the Jaswant Singh through his friend Gulvinder Singh of Jammu serving the same battalion, made implicating statement

before the Munsif Mobile Judge Poonch under Section 164 /A.

The driver's statement read, "On September 28, Jaswant Singh asked Lucky to take him to Nagali, Poonch, where the driver witnessed Jaswant conversing with some lady for some minutes. Suddenly, he saw Jaswant dragging her towards the vehicle standing few meters away. The woman offered some resistance but failed to break Jaswant's grip. She was pushed inside the car and the driver was told to move towards Jammu. When the driver questioned Jaswant's behaviour, he was told by him that the woman is his wife. Then the driver moved towards Jammu. At around 2:00 in the dead of the night, en route at Bamla, Jaswant Singh asked the driver to bring to halt his vehicle, as he wants to rape the woman inside the vehicle. When the driver didn't allow him to do so, Jaswant responded with threats of dire consequences. Then Jaswant took her to a nearby forest and brought her back after 15 minutes. The driver spotted bruises and violence marks on her. Immediately, the driver was asked to proceed towards the destination. At Satwari Chowk Jammu, Jaswant de-boarded along with the lady and paid Rs. 7500/- to driver for his vehicle and services, and went away with her."

Despite having strong witnesses to the crime the accused are still scot free. Amir Din feels frustrated over the docile role played by the judiciary in his matter. Amir said, "It appears even the institution like judiciary has

been influenced by the army. The failure of judiciary in delivering justice in this blatant case of human rights only convinced one about its submissive nature. I have no problems in accepting my wife despite she was raped. But what keeps me haunting is the fear that she might have been murdered by the perpetrators to get away with it."

Amir Din has motivated himself for a long struggle aimed at unfolding his wife's whereabouts and to strive for prosecution of the perpetrators. "As I have lost precious thing of my life, I will not breathe ease till I get my wife's whereabouts. I am going through tough times carrying sense of shame. Socially, I am feeling ostracized. Despite all that I will struggle till I see the perpetrators punished for the crime they have done," Amir affirmed.

Reposing some faith on State Human Rights Commission (SHRC), Amir moved an application to the SHRC requesting for its indulgence into the matter. "I am keenly waiting for, how SHRC will respond to my petition. I have put some hopes on the institution," Amir Din said while hoping that SHRC may come out with something concrete.

SP Poonch Chowdhary Shamsher while talking to media said further investigations in the case is underway.

"We had arrested the accused personnel of 13th Sikh Regiment. They are with the army now. The case is still under investigation," Shamsher said.

CCJ SURVEY

'19 ARMY CAMPS, 126 BUNKERS KEEP TAB ON 50 NORTH KASHMIR VILLAGES'

437 PERSONS KILLED, 2048 TORTURED, 6888 FORCED TO LABOUR: SURVEY

Oct 4: Nineteen major army camps and 126 bunkers exist in 50 villages of north Kashmir, says a study report, revealing the extent of militarization people in rural Kashmir face.

"Each bunker acts like a small camp and is responsible for surveillance, crackdowns, arrests, torture, killings, disappearances, custodial killings and harassment," says the report titled "Atrocity and Suffering" which was released by 'The Citizens' Council for Justice' (CCJ) after a yearlong survey conducted between March 2011 and March 2012.

The report based on survey in 50 villages in twin districts of Baramulla and Kupwara said that these bunkers "were responsible for controlling lives and are used by the state to fragment the population."

"The 19 army camps have occupied a huge chunk of prime land from the village community land or of the villagers or the government land," it said, adding around 2047 kanals of land has been occupied by these 19 camps.

According to the report, 437 persons were killed and 65 subjected to custodial disappearance in these villages from 1989 to 2011.

"Out of the 437 persons, 320 were killed by Army, CRPF, BSF, Police and government-sponsored gunmen," the report said, adding "militants were responsible for 84 killings and unidentified gunmen for 33 killings."

In these villages, 2048 persons have been tortured in 57 army camps, says the report which was released by

Delhi-based noted human rights activist Gautam Navlakha and chairman of J&K Coalition of Civil Societies (JKCCS) advocate Pervez Imroz.

"While 40 people have been killed in custody by Army, CRPF, BSF and Police, 49 have been rendered disabled by torture," it said, adding "6,888 persons have been subjected to labour in these villages by various agencies."

"A total of 700 properties have been destroyed in these villages worth 103.8 crore rupees," it added.

The report said that the armed forces have given up some of the government and private buildings held by them earlier as there was "decrease in non-state violence and sophistication in the subjugation techniques."

The report also blames armed forces for "destroying five out of 234 mosques in these villages between 1989 and 2011 in the garb of anti militancy operations."

"The report encapsulates what has happened in Kashmir in last 23 years and underlines the very basic fact of occupation by military might in Kashmir," Navlakha said. "People here are asked to forget their past and move ahead. How they can forget this horrendous past and move ahead?" he asked, apparently referring to the president of India, Pranab Mukerjee's speech here recently.

"It is a community-based response to the human rights violations and the CCJ has done a wonderful job," Imroz said on the occasion. He said people should be

encouraged to take such initiatives on their own at local levels.

Earlier, Dr Riyaz of CCJ said the work they have done was voluntary and they didn't receive any financial support from any NGO.

HOME DEPT SAYS UNIDENTIFIED 'COMPETENT AUTHORITY' RESPONSIBLE

OFFICIAL CLAIMS INNOCENCE FOR 'DEROGATORY LANGUAGE'

Oct 17: Sham Lal, Under Secretary, Home Department Government of Jammu and Kashmir has told the State Human Rights Commission (SHRC) that he was not responsible for the alleged derogatory language used in a report about unmarked and mass graves in Poonch and Rajouri submitted to the Commission and signed by him.

After the SHRC demanded an explanation, Lal said in a letter to the Commission that he had merely signed the report regarding unmarked graves on the behalf of Home Department after a "competent authority" approved it and that he did not submit the report at his own level.

"The undersigned has recorded the signatures on the communication on behalf of the home department, after the factual report prepared on the basis of inputs furnished by the CID was approved by the Competent Authority," said Lal in its response letter to SHRC.

Under Secretary Lal has not identified the "competent authority" in the letter leaving the actual complaint unattended.

The APDP, while commenting on Lal's letter, "The Under Secretary in its response has not answered why he has signed the report containing derogatory language. APDP requests SHRC to reprimand and summon the official to explain the statement."

The "factual report" regarding unidentified graves in Rajouri and Poonch districts submitted by Home Department before SHRC and signed by Sham Lal had allegedly used derogatory language against the SHRC and other human rights groups working in Jammu and Kashmir who had brought the issue to the Commission's notice.

DIDN'T HUSH UP CASE OR MANIPULATE DNA SAMPLES: PS GILL

Oct 16: Former Inspector General of Police (Kashmir) PS Gill rejected allegations as frivolous about his role in manipulating DNA samples and hushing up the abduction of foreigners in 1995.

Gill has been, for the past nearly five months, evading show cause notices by the State Human Rights Commission, which had sought his response in the case.

The Commission last month summoned Gill through the district magistrate of his native district, Moga in Punjab, and maintained that if he failed to appear or file his response, legal proceedings can be initiated against him.

In its joint complaint to the SHRC earlier this year, the International People's Tribunal on Human Rights (IPTHR) and Justice and Association of Parents of Disappeared Persons (APDP) had accused Gill of hushing up the case and manipulating DNA samples of a slain foreigner to seek rewards from State Government and

"We were able to conduct survey in these 50 villages alone only because we got volunteers from these places who worked for us," he said, adding "otherwise the extent of sufferings and brutalization is much more horrible than reported."

The SHRC on June 30, 2012 had asked Lal, the Under Secretary to submit a personal response regarding the report after Association of Parents of Disappeared persons (APDP) and International People's Tribunal on Human Rights in Kashmir (IPTK) filed a defamatory case against him at SHRC.

The letter also said that Lal had not submitted the report to the SHRC at his own level but only communicated the report which has been approved by the "Competent Authority".

"The officers of the Home Department hold the SHRC in high esteem and cannot even think of showing any disrespect to it," the letter said.

A petition regarding the presence of 3844 unidentified graves in Rajouri and Poonch districts was filed by APDP and ITPK in September 2011 at SHRC which on September 16, 2011 issued notices to the Commissioner Secretary, Home Department Jammu and Kashmir and other functionaries of state to submit their reports on the issue.

But the report submitted by Home Department according to APDP contained objectionable contents using derogatory language.

"It would also be pertinent to mention here that many of the Human Rights activists raise the bogey of human rights violations at the behest of forces inimically disposed towards our country," Home Department report to the SHRC had said.

"Its needs to be noted that while hundreds of such youth are still in Pakistan their mentors are crying hoarse and deliberately accusing the state security apparatus for their forcible disappearance," the report also says.

United States. They had demanded fresh probe into the case.

In his one page reply to the Commission, Gill has categorically denied the allegations.

"I was not the supervising DIG of Anantnag Police District when the kidnapping of foreign tourists by Pakistani terrorist took place. I was also not part of the team investigating the case or its supervising officer at any stage," Gill writes.

Gill was IGP Kashmir when Paul Wells and Keith Mangan of Britain, Dirk Hassert (Germany), John Childs and Donald Hutching (US) and Hans Christian Ostro (Norway) were allegedly kidnapped by little-known Al-Faran militant group from the forests of Pahalgam in 1995.

While Childs managed to escape under the cover of darkness six days after his abduction, 27-year-old Wells was killed and his body was located on August 13, 1995. The other four foreigners still remain untraced.

"During my tenure as IGP Kashmir Zone as far as I remember on receipt of some information a dead body was exhumed and its DNA sample along with a central sample was sent to a national laboratory at Calcutta for analysis and opinion. The result of the analysis received through the Police Headquarters was made known to all concerned. A subsequent analysis by a British Laboratory did not endorse the earlier version and the matter was disposed," Gill states in his response.

Gill claimed that all these procedures were legal and totally transparent. "The allegations are frivolous, not based on facts and therefore denied," he claimed.

The case took a twist following disclosures in a book "Meadows" released earlier this year that the foreigners were killed on the directions of the security forces. "I do not know the authors of the novel (Meadows) and have not read it," Gill maintained.

On the basis of disclosures in the book the APDP and IPTHR claimed that in November 1997, Bob Wells, the father of Paul Wells, one of the kidnapped foreigners had met with then IGP, PS Gill.

"Bob Wells was informed that the dead body of Paul Wells had been found as a result of investigations conducted by a special team led by the IGP Kashmir Zone, PS Gill, and the then Superintendent of Police of Anantnag, Ashkooor Wani. In January 2000, IGP Gill stated that scientists at two credible Indian laboratories had concluded that the DNA they tested belonged to Paul Wells. Based on this, Gill claimed that the force was now entitled to claim the two million dollar reward from the US Department of Justice and two more rewards of ten lakh rupees each from the US State Department and the

Government of Jammu and Kashmir," the complaint reads.

It states that three months later, based on independent DNA tests, the British Foreign Office stated that the body was not that of Paul Wells. "The British Foreign Office suggested that what had been tested in the Indian laboratories might have been the reference sample provided by the Wells family, against which the remains were supposed to have been matched. Whether the two had been switched or accidentally mixed, no one could say," it stated.

"Investigations be launched against the then IGP, Paramdeep Singh Gill, and the then SP Anantnag, Ashkooor Wani, to inquire into their role in the manipulation of the DNA tests of Paul Wells, with the apparent objective of making a claim to the award monies, and for their role in a possible cover up, as the mishandling and manipulation of evidence appears to be a pattern in Jammu and Kashmir," the APDP and IPTHR had demanded.

Hearing the case today the Division Bench of SHRC comprising members Rafiq Fida and Amlok Singh said the copy of Gill's response will be provided to the complainants for filing rejoinder.

"The complainants will be asked to corroborate their allegations with evidence. After taking all aspects of the case into consideration the Commission will be able to reach to a conclusion and give its recommendations in the case," SHRC member Rafiq Fida said.

The Commission also took strong note of delay in submission of report by the Deputy Commissioner Islamabad.

1681 UNIDENTIFIED GRAVES IN POONCH: DC

DOSSIER CONTRADICTS COVER LETTER, HOME DEPT REPORT

Oct 03: Contradicting the figures of the state home department, the district administration of Poonch has put the number of unidentified graves in the border district at 1681.

The contents of the 102-page dossier submitted to State Human Rights Commission (SHRC) also contradict its own cover letter which states that there are no unmarked graves in Poonch district.

The dossier states that there are 1681 unidentified graves in the district. Earlier, a report submitted by the state home department to SHRC had placed the number at 1486.

"All those killed during the militancy period have been duly identified by the concerned agencies and have been buried in presence of local people and the elders of the area," reads the cover letter of the dossier compiled by the office of District Magistrate Poonch.

"Even the foreign militants on the basis of the photographs and other related documents seized from their possession have been identified."

But the report submitted with the covering letter shows that 1681 people remain unidentified and most of the columns designated for photographs, reads "photos not found."

Even the names and aliases of foreign militants in the report are uncertain - Abu Osman features more than six times in the list of identified Pakistani militants.

The report based on First Investigative Reports registered in six police station of district Poonch over the last 22 years claims that these "militants" were killed in 864 encounters.

The report is a contentious one as it is based on FIRs registered by police and doesn't talk about the whereabouts of the people whose unidentified bodies were recovered from rivers, forests and other places in the last two decades in the district.

The report also endorses official version on some of the most controversial encounters.

On page 50 of the report, the column on Chamber encounter, states that all those killed in the gunfight on 18 August of 1990, still remain unidentified.

In the said gunfight, 33 unidentified "militants" were killed.

Locals of the Mandi area, who buried these people in the Saiklu graveyard, have always maintained innocence of those killed. In the official version on the encounter, no army personnel who carried out the operation were killed in the fighting.

Association of Parents of Disappeared Persons (APDP) and International Peoples Tribunal on Human Rights and Justice in Kashmir (IPTK) had filed a complaint regarding unmarked graves in Poonch.

They claim the number of unidentified graves over 2700 in the district.

"The government says the process to verify our documentation is time consuming, which is unacceptable excuse when you are dealing with a sensitive subject," said Khuram Parvez of Coalition of Civil Society, a human rights watchdog which fights enforced disappearances in Kashmir.

The Poonch dossier shows surge in encounters in the district in the first five years of the last decade. After 2000, most people killed in Poonch have been termed as foreign nationals. The 21 militants killed in the two encounters which took place in a span of three days in 2000 have been termed as 'foreign nationals' but no identification has been cited.

The Surankote police station has registered 347 FIRs of encounters, which is the highest among the five police stations mentioned in the report.

According to the dossier, between 1990 and 1995, no encounter took place in the area which comes under the jurisdiction of Surankote Police Station. Between 2000 and 2005, there were more than 221 encounters reported in the area.

Similarly, 184 encounters were reported in Mendhar followed by Mandi with 145, which according to the report remained active from early 1990.

Poonch Police station has registered 99 encounters, last one in 2008. The Gursai police station has the FIRs for 62 encounters and Loran the least active belt with 27 and the last one in 2003.

The two reports from the home department and DC Poonch contradict each other, particularly when Home maintains unidentified graves while as DC office dubs everyone as "identified militant".

"The claim of the complainant about the presence of unmarked graves in Poonch is baseless and far from truth, as all the graves have been identified in this district," reads the closing paragraph of the report submitted by DC Poonch.

The CCS and IPTK say they will challenge the findings of the dossier.

MUSLIM BODY SEEKS PROBE INTO UNMARKED GRAVES

Oct 6: All India Muslim Majlis-e Mushawarat (AIMMM—the umbrella body of Indian Muslim organizations—condemned the J&K Government's "attempts to scuttle further probe" in 2156 unmarked graves unearthed by the state human rights panel at 38 sites in north Kashmir.

"MMA notes that there are around 10,000 people in Kashmir who went missing during the militancy years

and that there are 2683 FIRs lodged with J&K police about missing people in the state, mostly in the Valley. Unearthing the reality and punishing the culprits in uniform is an important requirement for peace and normalcy to return to the tormented state," read a statement issued by the AIMMM, after its Central Working Committee met at New Delhi.

SHRC ASKS GOVT TO PRODUCE DNA PROBE ORDER UNMARKED GRAVES

Oct 16: State Human Rights Commission (SHRC) Tuesday directed the Chief Prosecuting Officer to collect a copy of the orders issued by the government wherein SP CID Headquarters was appointed as a nodal officer for DNA investigation requests by families of the disappeared.

Association of Parents of Disappeared Persons (APDP) had issued fresh petition with the SHRC with around 507 documented cases of disappearances belonging to different villages of north Kashmir's Baramulla and Bandipora districts in August.

The CPO sought time to furnish the order and the time was granted by the commission.

The reference to the nodal officer (SP, CID HQ) was first made by the Home department in the matter relating to graves in Poonch and Rajouri.

The SHRC has sought the mandate of the nodal officer.

This is based on a submission by the Chief Prosecuting Officer that since there is a nodal officer, the

SHRC direct the complaint on 507 graves to the nodal officer.

The complainant, APDP, opposed the submissions of the Chief Prosecuting Officer.

First, the complainant argues that this is yet another diversion by the State.

The reference to a nodal officer is an attempt of the State to suggest that the State had taken the issue of unmarked graves seriously.

The complainant believes that this was untrue and needs to be investigated.

Second, the presence of a nodal officer does not in any way effect the mandate of the SHRC.

The SHRC regularly hears matters in which the State already has appointed officers from police stations to District Commissioners.

The SHRC should have issued notices to the police and the DC office concerned.

In addition, the SHRC could have also sought mandate of the nodal officer, and if satisfied, issued a notice to him as well, complainant argued.

DC RAJOURI SUBMIT REPORT

Oct 16: State Human Rights Commission (SHRC) revealed that Deputy Commissioner Rajouri had

submitted his report as sought by the Commission in the unmarked grave case in Rajouri and Poonch.

"Deputy Commissioner Rajouri has submitted his report. The copy of the report should be given to the complainant," the bench comprising of Rafiq Fida and

GOVT. ADDS TO ITS CONTRADICTION

Yet again the state government came up with another contradictory figure on the phenomenon of enforced disappearance in Jammu and Kashmir. On 8th October 2012, the Jammu and Kashmir government stated in a written reply to the question that a total of 2305 persons were "missing" in Jammu and Kashmir since 1990. This statement is yet another addition in the contradictory statements issued by the successive governments regarding enforced disappearances in Jammu and Kashmir.

In response to these repeated contradictions, Association of Parents of Disappeared Persons (APDP) issued a statement, which read, "On 18th July 2002, the then Home Minister of National Conference government, Mr. Khalid Najeer Suharwardy acknowledged that 3184 persons had gone missing since 1989. On 11th June 2003, the Peoples' Democratic Party led government admitted 3744 persons are 'missing' in Jammu and Kashmir since 1989 and later on 21st June 2003 the government stated that 3931 persons were 'missing.' In March 2006, contradicting the earlier figures again, the then Chief Minister, Ghulam Nabi Azad stated that a total of 693 cases of disappearances have been registered. Two years later on 2nd May 2008, Omar Abdullah stated during a press conference that 4000 persons had disappeared. This statement came when Mr. Abdullah was in the opposition. After assuming the office of the Chief Minister, Omar Abdullah on 17th August 2009, informed the state legislature that 3429 persons had gone missing between 1990 to July 2009. On 23rd March 2010, the Omar Abdullah government informed the state legislative assembly that 1105 persons have disappeared during the turmoil in the state since 1989. The statement was not supported by any substantive information regarding any missing persons having been found."

THE PUBLIC SAFETY ACT IS STILL A "LAWLESS LAW": AMNESTY INTERNATIONAL

Oct 13: Authorities in Jammu and Kashmir are still using the Public Safety Act (PSA) to detain individuals without charge or trial in Jammu and Kashmir (J&K) in violation of their human rights, said Amnesty International in its press release.

Amnesty International further read PSA - "Still A Lawless Law" shows that despite legal and policy developments in the region, J&K authorities still use the PSA to facilitate a range of rights-violating behavior.

In 2011, Amnesty International released a report documenting how the PSA violates human rights. Not much appears to have changed in 2012. The PSA provides for arbitrary detention, in violation of the right to liberty which India is obliged to respect under international human rights treaties. Further violations facilitated by the PSA include 'revolving door detentions', ill treatment in detention, the denial of medical care to detainees, and lack of reparations for victims. Amnesty International also

Amolok Singh said. "The complainant has yet to pursue the report submitted."

Based on the contradictory statements furnished by government in the state legislative assembly for last 10 years, it appears that government has consistently contradicted itself. The incumbent government clearly appears irresponsible as it has contradicted itself at least thrice in the last 4 years without providing any explanation for the contradictions. These contradictory statements are also a reflection of how insensitive government is towards the plight of the family members of the disappeared.

While quoting the most recent statement the APDP said, "In the latest statement the government claims that only in 182 out of 2305 cases of disappearance FIRs have been registered, which means that government shamelessly is admitting that they have denied the right of investigation and justice to the remaining cases of disappearances. APDP is mindful of the fact that in most of the cases police have always refused to register FIRs or even missing reports. It is only after the prolonged judicial interventions that families have forced the police to file FIRs."

These contradictory statements and unabated denial also amount to obfuscation of truth and cover up. The government by these cover up statements is siding with the perpetrators and thus politically culpable for these crimes, the statement further read.

While questioning these contradictions the APDP said, "It is expected of any responsible government to explain these contradictions and make public the process by which they arrived at the differing figures. So far government has been reluctant in making public the details of the disappeared persons. Now that the government has come up with a latest figure of the disappeared persons, it is incumbent on it to make public the full details of these 2305 disappeared persons."

found that PSA detention orders were still being used against children despite it now being prohibited.

"The J&K authorities continue to use the PSA to circumvent the rule of law and the criminal justice system. They resort to PSA detentions instead of charging and trying persons suspected of offences in court" said Ananth Guruswamy, Director, Amnesty International India. "J&K authorities often keep persons in detention even after the detentions have been quashed by the High Court".

Even the Chief of Police in Kashmir has acknowledged that around 15,600 people were detained under the PSA without charge or trial in the last two decades. Detainees include political leaders and activists, suspected members or supporters of armed opposition groups, lawyers, journalists and protesters, including children.

In recent months, UN officials have visited Srinagar and have recommended that the PSA be repealed. While Indian authorities have the right and duty to defend and protect their population from violence, this must be done while respecting the human rights of all concerned and abiding by international law.

INJURED IN SHOOT OUT, YOUTH SUCCUMBS TO WOUNDS

Oct 22: A youth, wounded in the militant attack on Hotel Silver Star, succumbed taking the death toll to two.

Anees Ahmad Wani, 23, a resident of Dever-Inderbugh in Kupwara district, died at SMHS hospital in the morning. Earlier, a hotel bell boy was killed and two other employees of the hotel, located in the outskirts of Srinagar city, were injured in the attack.

Forced by abject poverty, Anees had left studies in 12th class to work as a waiter at Hotel Silver Star. His father Habibullah recently underwent chest surgery for a fatal tumour. Lying in the corner of a room in a state of shock, Habibullah repeatedly shouted: "Oh! my Allah there can be no more tragedy in a father's life than to shoulder his young son's coffin."

"His father had a wish to see his son Anees as a groom before his death," said Shamsudin, one of his relatives.

He added that they were soon to arrange his marriage with a girl from their relation in the nearby locality.

Anees's mother, Zoona's wails reflect the pain of losing a son. "Being a mother, her instinct is not to believe

PAK SHELLING KILLS THREE CIVILIANS

Oct 17: Three civilians, including two teenagers, were killed in firing by Pakistani troops near the Line of Control (LoC) in Uri Sector of this north Kashmir district, army officials said.

"Pakistani troops fired two 80mm rockets in an unprovoked ceasefire violation at Lambardar village in Uri sector," army's Srinagar-based spokesman Col. Brijesh Pandey. "One of the shells landed in a civilian area, resulting in the death of three persons," he said.

Pandey said the troops did not retaliate and accused Pakistan of violating a 2003 cease-fire accord. There was no independent confirmation of the incident.

"The Public Safety Act violates international human rights law and must be repealed" said Ananth Guruswamy. "All PSA detainees must be charged and prosecuted through a fair trial in a court of law or else released".

he is dead," says Anees's cousin, Nasrullah sitting beside his aunt.

"Come and ask me to serve meals. I shall not allow anyone to eat in your plate," Zoona screamed with tears rolling down her cheeks.

Zoona consoles herself with elegies: "Mother sent you with the promise of a week; don't stay for a month my prince. Your mother would distribute dates and almonds to keep you away from evil."

"Anees was faithful to his parents. All his life he wanted to keep his parents happy," said another neighbour, Reyaz Ahmad Bhat.

After Anees's was brought home on October 22 evening, hundreds of residents attended his *Nimaz-e-Jinaza* (funeral prayers) amid sobs. He was buried in a local martyrs graveyard.

"Bullets had pierced through his abdomen damaging pancreas and kidneys and liver completely," Anees's cousin Nasrullah told media.

He is survived by his parents, three brothers and two sisters.

Army identified the killed civilians as Mohammad Shafi Khatana, 26, son of Imamudin Khatana, Liyaqat Ahmad Deedar, 16, son of Nazir Ahmad Deedar, and Shaheena Akhtar, 16, daughter of Mohammad Ismail Lohar. Army said Liyaqat was hit when he was going to his school for appearing in 8th standard annual examination.

A local resident told over phone that Pakistani troops had over the past few days objected to construction of a forward post by the army and sought a halt on the work.

MAN SHOT IN FOOT 'DURING ARMY INTERROGATION'

October 3: Protests erupted in Hamam Markoot village of Rafiabad area on October 2 night after army allegedly shot a local man in the foot during interrogation.

Locals told media that Sharief-ud-Din Khan, son of Raj Mohammad Khan was picked up by Army's 32 Rashtriya Rifles(RR) for "questioning" from his home in Hamam Markoot, Baramulla at around 6 pm on October 2. A couple of hours later, the Khans received a message from the RR camp at Doonawari that Sharief had been accidentally shot in the foot during questioning, they said.

Subsequently, the family rushed to the camp and removed Sharief to the local Public Health Centre, where doctors referred him to the Bone and Joint Hospital,

KOKERNAG WOMAN'S DEATH: TWIST IN POLICE STORY

Oct 06: The Ahlan Gadool village in Kokernag and its adjoining villages witnessed anti-police protests for the second consecutive day Sunday after an elderly woman died during a police raid a day earlier.

Meanwhile, after claiming that 65-year-old, Mukhti Begum died of cardiac arrest, police issued a fresh statement on Sunday stating that it was misled by her son-in-law and two SPOs.

"Further investigation carried by police has found that the son-in-law of the deceased lady Abdul Majid Deka of Ahlan Vailoo, Kokernag along with two SPOs Mohammad Ashraf Deka and Fayaz Ahmad had misguided and misled police by placing 3.3 Kgs of Dioscoria near her house," the fresh police press release reads.

Police had earlier claimed that Mukhti died of cardiac arrest after a police party recovered over 3 kgs of precious natural herb Dioscoria from her house.

Police has lodged FIR in the case and the two SPOs along with Abdul Majid Deka have been arrested.

SSP Anantnag, R K Jalla has initiated a departmental enquiry against the police party headed by ASI Muhammad Sultan No.133/A.

The police party that had raided Mukhti's house included Abdul Rashid No.914/A, Shabir Ahmad No.441/A, Tariq Ahmad No.1203/A, SPO Rayees Ahmad No.908/SPO, SPO Ghulam Ahmad No.1377/SPO, SPO

KUPWARA SOLDIER LOSES JOB FOR SPORTING BEARD

Oct 1: A Kashmiri man serving in the Indian army has been dismissed from service for sporting beard.

Zahir-ud-Din, 29, a resident of Nowgam area of Kupwara district, joined the Territorial Army (161 Bn) as a soldier on January 14, 2004 and was posted at Gantmulla, Uri, where in March 2004 he was deputed as an imam (prayer leader) in the unit.

"There were around 95 percent Muslims in our battalion, while the rest were Hindus and Sikhs. All of us were allowed to perform our religious obligations. Later, a mosque, a temple and a Gurudwara were established within the camp where the soldiers would perform their religious functions," said Zahir.

Srinagar. Sharief also told the locals that he had been "deliberately shot in the foot by the army" during interrogation over his brother's whereabouts who is missing for nearly a decade and is believed to have crossed into Pakistan-administered Kashmir for arms training.

Sharief had been picked up several times for "questioning" by the army in connection with his brother's disappearance, the locals said. The locals also demanded removal of the RR camp which they accused of harassing them.

Meanwhile, a police official told Kashmir Reader that a case (FIR no. 56/2012) has been registered in the matter and investigations were on.

Fayaz Ahmad No.1373/SPO, SPO Mohammad Ashraf No.26/SPO.

The protesters demanded that a proper case be registered into the death of 65-year-old Mukhti Begum, wife of Sulaiman Naikoo.

The police, however, backtracked on its earlier claim stating that the woman had died of a cardiac arrest while the police party recovered more than 3 kgs of precious natural herb Dioscoria, Sunday issued a fresh statement.

Meanwhile, family members of Mukhti Begum and residents of Ahlan Gadool demanded that a proper case be registered in the case.

"Mukhti Begum was beaten to death by police men by police men claiming to be looking for a banned herb, Dioscoria," the locals alleged.

A police party along with the deceased's son-in-law raided her house Friday night and had an argument with the family members followed by her death.

The locals as well as the family of the deceased maintain that she was killed after the policemen beat her up with gun butts and have demanded the cops be charged for murder.

The accused cops were arrested and the district administration ordered a post mortem to be conducted. Meanwhile, inquest proceedings under Section 174 Cr PC were initiated into the matter.

He said he was sent to Gantmulla because there was no imam in the battalion. Two other soldiers were also deputed to lead the soldiers in religious functions in the temple and Gurduwara, he said.

"I used to keep short beard during my training, but after entrusted with the job of leading the prayers in the unit I was allowed to grow long beard 'as per rules and norms of army'," Zahir told Kashmir Reader.

After leading the prayers for almost four years, Zahir said he was one day called by the Commanding Officer to his office and told to stop leading the prayers and shave his beard off.

"I told him that I am ready to do any work in the unit whatever is entrusted to me but I can't shave my

beard off as it goes against my religious obligations. I also told him I have permission for keeping the beard," Zahir said. "The officer did not agree. I, however, remained adamant on not shaving the beard for which he was continuously harassing me."

For around one month, Zahir said the officer would every day call him to his office and threaten of dangerous consequences. He was later directed to submit an affidavit in writing and explain why he can't shave off his beard.

Zahir said he submitted the affidavit on June 17, 2008 mentioning that would not shave his beard even if he had to resign. He said he also mentioned that he was ready to perform any duty in any army unit if allowed to keep the beard.

"But in response to the affidavit a letter through Lt Col. Adjutant of our battalion was send to me in which it was written that I had moved an application for voluntary discharge from the services. I had never opted for voluntary retirement. But my affidavit was treated as an application for voluntary discharge and I was forced to leave the unit," said Zahir.

RATS BITE OFF OFFICER'S TOE AT ARMY HOSPITAL

Oct 21: An army lieutenant who led an operation in Handwara in Jammu and Kashmir in which two militants were killed less than a month ago, had his toe bitten off by rats at the Army Base Hospital in the capital.

The 24-year-old officer belonging to the elite 9 Para suffered a bullet injury in the spine during the Handwara encounter on September 25, which left him paralysed from below the waist.

The lieutenant was brought to Army Base Hospital Srinagar for treatment. On October 20 night, after he was moved from the intensive care unit to the rehabilitation centre of the hospital, his toe was reportedly chewed off by rats.

With his lower body being paralysed, the officer did not realise that his toe had been bitten off. The incident was discovered on October 21 morning after the medical staff noticed that his foot was bleeding. A close

FAMILY OF KASHMIRI YOUTH PERTURB OVER HIS ARREST IN GUJARAT

HE WAS PROJECTED AS A MILITANT: FAMILY

Oct 11: On March 14, 2010, news was flashed across news channels: "A terrorist from Kashmir was arrested in Gujarat."

"The news was a shock for us. We could not believe that it was Bashir Ahmad. He had gone there to attend a camp of the NGO with which he works. He did not call us for many days we thought he would be too busy", said his visibly perturbed brother, Nazir Ahmed Baba.

Nazir said his brother was working as camp coordinator in the Kimaaya Cleft Centre and had gone to Ahmadabad for cleft lip deformities training.

Nazir said that Bashir used to call home regularly from STD booths and was staying in the hostel of the training center but suddenly he stopped calling.

After that Zahir said he submitted an application to the General Officer Commanding on February, 25, 2009 requesting him to allow him resume his duty.

Zahir said he was "allowed to keep the beard under military norms which states that a member of the force belonging to the Muslim community may be permitted to keep beard on religious grounds."

"Once the permission is given the member concerned will have to wear it consistently for the rest of his service period unless there's written request to shave it."

Zahir is now seeking legal help to get his job back. "I have filed a case in the High Court where I hope I may get the justice," he said.

Meanwhile, when contacted Army's Srinagar-based spokesman Col. Brijesh Pandey said he was "unaware about this particular case."

"I don't know about this issue, but as far as rules and regulations go, a soldier is not allowed to sport beard during his active duty," Pandey told media.

examination revealed bite marks that confirmed that the toe had been chewed off by rats.

The officer is now undergoing preventive treatment for rabies. While there have been complaints of rodents in the hospital in the past, this is the first case of rats causing serious injury to a patient.

An outraged military community has registered a strong protest at the hospital. Sources in the Army said the incident is being viewed very seriously and an informal inquiry has begun to fix responsibility.

"We are very concerned. Strict action will be taken against those found responsible," said a senior Army officer.

It is believed that some heads will roll at the Army Base Hospital, given that the incident took place in what is considered to be one of the better Army hospitals in the country.

"He did not call us for many days, until he was shown on TV as a terrorist," said Nazir.

He said police presented Bashir before the media 15-days after he was arrested. "Police claimed that he was arrested in Anand district but the fact is that he and two others were arrested from a hostel in Ahmadabad," claimed his brother, Nazir.

According to media reports, police had claimed that Bashir Baba was an active Hizbul Mujahideen member and had come to Gujarat for recruitment of local youth on the directions of Hizb commanders Bilal Shera and General Abdullah.

"We are totally shattered; we don't have any money to fight the case. I have three unmarried sisters," said Nazir, who works as a salesman in Lalchowk area of Srinagar.

He said that no one had come forward to help them and they have been left to fend for themselves. "Recently Gujarat Police slapped harsh sections on my brother," he said. "We approached everyone from politicians to police officials for help but no one has paid any heed towards our pleas," said Nazir.

"We had approached Chief Minister's grievance cell with lot of hope but they refused to take up the matter saying that it had happened outside the state," he added.

YOUTH HELD THRICE UNDER PSA HC QUASHES DETENTION ORDER

Oct 07: The High Court has quashed the detention order of a youth booked thrice under the Public Safety Act (PSA) and directed the government to release him.

The youth Bashir Ahmed Wani, who was detained under PSA thrice by the authorities filed writ petition all three times and every detention order was quashed by the court.

Initially, Wani was detained in 2010 and placed under PSA, which was later challenged in the High Court.

Wani's counsel G N Shaheen said that the petition was allowed and preventive detention orders were quashed.

However, instead of releasing the detainee, the authorities slapped another detention order and the detainee was not released.

Shaheen said they again challenged the detention order by filing a petition but the court again quashed the detention order.

He said the quashing of detention orders made no differences and instead of releasing the petitioner he was slapped with another PSA.

"On going through records, it transpired that the grounds used in earlier detention were again repeated in other two detentions as well, which is illegal and liable under law," Shaheen said.

2 'STONE PELTERS' BOOKED UNDER PSA: POLICE

Oct 4: Police said two 'stone pelters' were booked under Public Safety Act (PSA) and sent to Kot Balwal Jail, Jammu.

"Police booked two die-hard stone pelters Sajad Ahmad Geelani of Pandaan, Nowhatta and Haaris Ahmad Langoo of Gojwara under PSA. Both have been lodged in Kote Balwal jail, Jammu," a police spokesman said.

He said Sajad was involved in case FIR No 27/10, 54/11, 60/11, 38/12 54/10, 78/2008 of Police

Station Khanyar. "Haaris was involved in case FIR Numbers 47/10, 54/11,55/11,53/12,38/12 in Police Station Khanyar".

"The date of birth of Haaris as per BOSE is 10 September, 1994 and that of Sajad Ahmad Geelani is 1 April, 1991," he said.

He said some youth pelted stones at Saraf Kadal and Kawdara and blocked the road at Nowhatta and Rajouri Kadal.

AMNESTY SEEKS RELEASE OF DETAINED TEENAGER

Oct 30: The human rights watch dog Amnesty International has sought release of 18-year-old Mohammed Mubarak Bhat, who has been detained under the Public Safety Act (PSA) in Kashmir.

"On 18 September, Bhat was arrested and charged in Srinagar for committing several offences including causing disruption to maintenance of public order, rioting and causing injury to a public servant. A local court found the charges against him unworthy for further investigation and ordered his release on bail on October 1," said Shashikumar Velath, Amnesty International India's Director of Programmes.

He said the court has opined that Bhat was not required for custodial interrogation and his parents deny charges that he was involved in stone pelting and rioting.

"Instead of releasing him on bail, Bhat was detained for a further three days and on October 4, authorities issued an administrative detention order under PSA to detain him and transferred him from the jail where he was being held to the Kotbalwal Jail in Jammu far from his home in Srinagar," he said.

Velath said this case is just one of many examples that show how the J&K authorities use the PSA

as 'informal punishment' and subvert the criminal justice system.

Troops in J&K often use laws such as the PSA for a process of "revolving door detentions" - repeatedly detaining a person on 'new' grounds, despite courts ordering their release.

Velath said Amnesty International calls upon J&K authorities to end the administrative detention of Bhat, release him immediately, and further investigate his arbitrary detention.

Amnesty International's reports show that the PSA violates India's international human rights law obligations, including the International Convention on Civil and Political Rights, to which India acceded to on 10 April 1979. "The Government of J&K should repeal the Public Safety Act and end the system of administrative detention," it had stated. Amnesty International team had recently travelled to Kashmir to present a briefing on the PSA to government and other officials and to meet with civil society actors. Following local media coverage of the visit to the region, they received reports of Mubarak Bhat's case.

"We want the government of J&K to know that we are watching them, and we are listening to the people

who need us to support the defence of their rights,"

added Velath.

GOVERNMENT COMES UP WITH PRISONER COUNT

2200 LODGED IN JAILS WITHIN, OUTSIDE JK

Oct 15: Breaking its silence on the number of prisoners from Jammu and Kashmir lodged in different jails, the government has admitted that 2200 prisoners including 16 foreign nationals were presently behind the bars within and outside the state.

The detainees include those facing trial in various crimes as also those involved in militancy related incidents. According to official documents, at least 2179 persons are lodged in various jails. "Of these, 2169 persons are lodged in prisons within the state while 10 are languishing in jails outside the state," the document says.

According to the document, 16 under-trial foreign nationals are languishing in Kotbalwal Jail, Jammu. "Eleven foreign nationals belong to Bangladesh, five to Pakistan and one to Pakistan administered Kashmir (Pak)," the document says.

On the detainees lodged in Kotbalwal Jail in connection with the militancy related incidents, there are

SHRC SEEKS REPORT ON PLIGHT OF DETAINEES

NOTICES ISSUED TO DG PRISONS, SUPERINTENDENT UDHAMPUR JAIL

Oct 6: Taking a serious note of complaints of alleged harassment of detainees in Udhampur jail, the Jammu and Kashmir State Human Rights Commission (SHRC) has issued notices to the Director General (DG) Prisons and Superintendent of the Jail, directing them to file factual report in the matter.

In his complaint to the Commission Pervez Imroz, president of Jammu and Kashmir Coalition of Civil Society (JKCCS), has sought action on the alleged harassment and ill-treatment of detainees in the Udhampur Jail.

"We have been receiving inputs and there are media reports stating that the rights of prisoners in Udhampur Jail are largely violated. Further, the detainees are being constantly harassed," Imroz has stated in the complaint.

Imroz referred to a letter from a senior Hurriyat (G) leader Masrat Alam Bhat who has been lodged in Udhampur Jail since August 6, 2012.

"In the letter he (Masrat) has complained about the violation of basic rights and also informed about the constant harassment and ill-treatment being meted out to the detainees at Udhampur jail. We would like to mention some of the incidents which were communicated to us through the letter from Masrat Alam Bhat," it stated.

"In the third week of September (2012) a new Jail Superintendent has taken charge. He (Superintendent) has been very punitive on the prisoners," Imroz quoting Masrat's letter said. "That on daily basis the personnel from jail come to my room and on the pretext of conducting search, they ransack all my belongings and harass me by putting me to different tasks. Further, our essential belongings like blankets, bed

27 persons, who are facing trial in various courts of Jammu. There are 154 people lodged in Central Jail Jammu facing criminal charges and other small offences. Similarly, in Central Jail Srinagar, 401 prisoners are lodged facing charges related to stone-pelting, crime and theft. "79 prisoners are lodged in Kathua jail including five foreign nationals," the government says in the document. "In district jail Udhampur, 300 prisoners of which some have done post-graduation, are lodged."

Similarly, district jail Poonch houses 138 prisoners while Rajouri prison has 115 detainees. In district jail, Kishtwar, there are 80 prisoners.

As per the document, in district jail Baramulla there are 150 prisoners. In district jail Islamabad (Anantnag) 87 people are facing militancy related cases. Dozens of prisoners facing criminal offences and theft charges are lodged in Leh jail as well.

The government is, however, silent about the facilities available to the prisoners in various prisons.

sheets, prayer rugs, medicines, etc. are being snatched and taken away from us with the result we are being deprived of basic things of living," Masrat alleges in the letter.

Imroz quoting the letter alleged that whenever any new detainee is brought to the Jail, "the said officer severely beats the person, cuts his hair forcibly and then lodges the person in solitary confinement at least for 15 days."

"That no medical aid is provided to the detainees. Whenever any detainee complains of illness and seeks medicinal help, the said officer orders to beat the detainee instead of providing medical assistance to them. The detainees apprehend if no legal action is taken against the said officer, he will cause further harassment and torture to the detainees which would endanger their lives," Imroz states.

Imroz also referred to media reports regarding assault on Mushtaq-ul-Islam, Chairman Muslim League in Udhampur Jail.

"The political prisoner Mushtaq-ul-Islam was reportedly lodged in solitary confinement where he was harassed and maltreated persistently. Keeping in view the above-mentioned violation of the rights of prisoners, we pray to the Commission that on spot investigation be conducted by a team of SHRC. Further, immediate necessary action be taken against the erring officer and other such personnel who don't respect human rights," the complainant states.

A Division Bench of SHRC comprising members Rafiq Fida and Amlak Singh today issued notices to the DG Prisons and Superintendent of Udhampur jail directing them to file factual report in the matter.

"On perusal of the complaint a case of human rights violation is made out. In the first instance a copy of the complaint be sent to DGP Prisons and

Superintendent of Udhampur Jail for furnishing their reports in the matter," the Bench directed.

BAR TEAM VISITS JAMMU JAILS

'INMATES NOT ALLOWED TO OFFER NIMAZ, FORCED TO RAISE JAI MATA DI, VANDE MATARAM, JAID HIND SLOGANS'

October 15: A team of Jammu and Kashmir High Court Bar Association that visited several jails in Jammu has alleged that (Muslim) inmates are not allowed to offer collective prayers. "The main grievance so projected by the (Muslim) inmates to the team of Bar Association at Udhampur jail was that the Superintendent did not allow them to offer Nimaz-e-Bajamaat (collective prayers) . They are being compelled to raise slogans like Jai Mata Di, Vande Matarum, Bharat Mata ki Ji, etc" the lawyers' body said in a statement.

"Any inmate who doesn't follow the diktat is punished severely. The Quran of every inmate and the Jainimaz(praying mat) has been removed and they are made to offer nimaz on blankets which are not clean," the Bar team comprising Vice President Aijaz Bedar, General Secretary Mohammad Ashraf Bhat, Joint Secretary Shabir Ahmad Butt, and members Arshid Andrabi Rafiq Ahmad Joo said.

The team said it also visited the Central jail Udhampur after obtaining prior permission from the J&K High Court on October 1, 2012, in writ petition titled J&K High Court Bar Association Srinagar versus State of J&K and others in CMP No. 2145/12 of OWP bearing No. 767/06.

The Bar team met the inmates at Udhampur Jail including Masrat Alam and Mushtaq-ul-Islam in presence of the Superintendent Jail namely Dr. Vinod Kumar and also the inmates at Kotabalwal jail in presence of the Superintendent jail and finally Hira Nagar Sub-Jail.

The Bar Association will be releasing a complete report with regard to the jail visits after few days, the statement said.

The team said, "When these allegations were narrated before the Superintendent jail, he replied that the Quran and Jainimaz were removed from the possession of each inmate by the orders of the District Judge and SSP Udhampur. Even inmates who are not medically fit are being made to go for daily drill particularly inmates who are booked under the PSA."

"Mushtaq-ul-Islam narrated that on September 15, the Superintendent came to his barrack and asked him to come from his barrack for drill and as he refused to come he was beaten severely by the Superintendent and also by the CRP personnel who were called in for the said purpose by the Superintendent. He sustained head injuries and was profusely bleeding for which he was given inadequate treatment. The scars were still visible on his head and he looked like a broken man," the statement added.

"He was put in solitary confinement in a cell for 21 days. The cell was having a commode but there was no door or curtain in front. There were two blankets, one earthen pot and while going to attend call of nature everybody looked at him and he felt humiliated. Mushtaq-ul-Islam narrated this in front of Superintendent who denied the allegations but could not explain freshness of the injuries on the body of the inmate Mushtaq-ul-Islam," the statement said.

The inmates at Kotabalwal and Hiranagar jail told the committee that the medical facilities should be upgraded and they should be produced before the courts where their cases are pending regularly.

ARMY CHALLENGES SHRC JURISDICTION

CAN ACT AGAINST ANY OFFENDER IN JK IRRESPECTIVE OF RANK, STATUS: COMMISSION

Oct 15: Army has made it clear that Jammu and Kashmir State Human Rights Commission (SHRC) is not empowered to investigate alleged human rights violations against its soldiers posted in the State.

Reacting strongly to the Army's contention, SHRC has said that it can act against any offender irrespective of rank and status. The Commission said that over the years it has taken up and even given recommendations in many cases of human rights violations involving Army.

Probing a complaint against Army for allegedly using civilians for forced labour in north Kashmir's Kupwara district from 1990 to 2003, the SHRC had sought a report from the Secretary Ministry of Defence on the matter. The complaint was filed by MLA Langate Er Rasheed in 2009 alleging that 30 Rashtriya Rifles used people of 39 villages of Mawar area of Kupwara for

forced labour to construct bunkers, extract timber and undertake night patrolling in the area.

In 2010 the then Director General of Police J&K after probing the complaint had established that people of these villages were used by Army for forced labour.

In its latest response to SHRC notice, Army through Srinagar based 15 Corps has not only refuted the allegations but challenged the jurisdiction of Commission over them.

"This is to inform you that the Ministry of Law and Justice has clarified that vide Para 5 of section 21 of the Protection of Human Rights Act 1993 read in conjunction with Para 24 (2) of the JK Protection of Human Rights Act 1997, Jammu and Kashmir State Human Rights Commission is not empowered to investigate complaints of alleged human rights violations against the Army being a subject matter of List 1 of the Seventh Schedule of the Constitution," writes Colonel

AR Chatterji, Colonel GS (HR) on behalf of the General Officer Commanding 15 Corps to the SHRC through State Home Department.

"Notwithstanding the above the Army has carried out a thorough investigation of the allegations and detected many inconsistencies. 30 RR the unit alleged to have used civilian for forced labour was inducted into J&K in March 1995. Hence the allegation that the Unit used civilians as forced labour from January 1990 to February 2003 is factually incorrect," Colonel Chatterji writes in his letter to SHRC.

It states that affidavits of the complainants are almost sequentially numbered and dated May 2010. "This is more than seven years after the period of their being allegedly used for forced labour. Why this complainant (Er Rasheed) as an elected representative of the people of that area failed to take up the issue at an earlier date defies reason. We have apprised the Army headquarters of the complaint lodged in SHRC and inconsistencies in the contents clearly establishing the fact that it is a false and malafide," Army maintains in the letter.

Constituted in 1997, the SHRC is governed by Jammu and Kashmir Protection of Human Rights Act 1997. By virtue of the Act the Commission can order investigations in cases of human rights violations and recommend measures for effective implementation of laws and safeguards provided by the Constitution to protect the human rights.

"We can act against any offender in J&K irrespective of rank and status. The argument of the Army that SHRC doesn't have jurisdiction over human rights allegations against its soldiers is totally wrong. In the past as well we have taken cognizance of many cases including alleged Kunan Poshpora mass rape, Pathribal and Machil fake encounters directly involving Army," SHRC member Rafiq Fida told Greater Kashmir.

"SHRC is a recommendatory body. After probing the allegations against Army or any other organization or individual we can only give recommendations. In Army's case we can give them an option whether they want to face trial in civil or military court," the SHRC member said.

During hearing of the case today, SHRC asked the MLA Langate Er Rasheed who is main complainant

KASHMIR BOY'S 10-YEAR STRUGGLE FOR PASSPORT

'SHOULD I SEND IT BACK OR BURN IT?'

Oct 22: The struggle of a 30-year-old Fayaz Aslam Mir for getting a passport in Kashmir reflects the painful story of the hardships that an ordinary Kashmiri has to face in getting the vital document in time.

Hailing from Solina area of Srinagar, Fayaz managed to get his passport recently after a long struggle of 10 years but only after his 'dream' of becoming a medico was shattered by absence of the passport. Fayaz also couldn't join the prestigious Kiwis fellowship for the same reason.

in the forced labour case to file rejoinder, if any, to the Army's statement denying allegations against 30 RR.

Kunan Poshpora, a small village in frontier district of Kupwara, witnessed the mass rape - during the intervening night of February 23 and 24 in 1991, allegedly by the soldiers of 4 Raj Rifles of 68 Brigade.

After probing the case the SHRC last year had asked the Jammu and Kashmir Government to re-open the Kunan Poshpora mass rape case that sent shudders across the Valley in 1991.

The Commission had also recommended Rs 2 lakh compensation for each victim.

In the backdrop of the killing of three youth by Army in a fake encounter in Machil sector in 2010, SHRC had recommended a thorough probe into the possession of "unauthorized illegal weapons" lying with the accused Army unit.

In one of its judgments pronounced last year the SHRC had maintained that the Army personnel accused of committing human rights violations can't get immunity under umbrella of laws including the Armed Forces Special Powers Act (AFSPA) and must face trial.

The judgment was pronounced by SHRC member Javaid Kawoos in a case of alleged custodial killing of a civilian of south Kashmir's Islamabad district by Army personnel in 1994.

In his four-page judgment, the member had passed strictures against the accused armed forces personnel for "undermining the authority of law and exceeding their powers" and recommend to the senior Army officers to impart training on protection of human rights among its personnel.

"The framers of the Constitution have pleaded that there must be Rule of Law in the country, but quite contrary the present case makes a mockery of the same. This is highly painful and illegal and for such illegal acts, no immunity can be claimed because by no stretch of imagination the custodial disappearance of the subject can be termed as an act done in furtherance of duties of the accused officials," the judgment read.

Chief Minister Omar Abdullah, who has been pitching for revocation of AFSPA in the State, has also been maintaining that the statute was not aimed at "protecting acts of crime by the armed forces."

An extraordinary student, Fayaz tried hard to secure a MBBS seat in the J&K Common Entrance Test after qualifying his class 12th examination with flying colours. But luck did not favour him as his name figured in the BUMS list instead of MBBS selectees.

"In the meantime, my joy knew no bounds when my parents told me that they are planning to send me to Bangladesh to pursue MBBS at a private medical college there," Fayaz told Greater Kashmir. "They made all the arrangements for my trip with their hard-earned money and subsequently I submitted my application for

passport vide No: 002562-65000256203 at the Regional Passport Office (RPO) Srinagar on July 11- 2003."

"Soon the police and CID sleuths came to my house for verification purposes and assured my parents that I will get the passport shortly as there was nothing averse against me in their records," Fayaz said. "I pleaded before the officials to issue me passport in time in view of the urgency. More than a year passed and I was not given the passport, thus depriving me from joining the MBBS in Bangladesh."

Failing to get any word on the passport, Fayaz along with his father Muhammad Aslam knocked the doors the office of CID at Pololview here, hoping that their grievance would be redressed.

"There we met the Deputy Inspector General of Police (CID wing) and he told us that my case was not cleared for want of CID report," he said, adding, "I continuously followed my case for two years but every time I was told that the CID verification is pending."

Restlessly waiting for passport for more than four years, Fayaz applied afresh for the document in 2007.

Meanwhile, another 'golden opportunity' came knocking at the doors of Fayaz as his name figured in the list of selectees for the prestigious fellowship for the 'Asian Minorities' in New Zealand.

"I mailed all my documents including educational qualification certificates to Kiwis University but the authorities there told me to submit passport at the New Zealand High Commission in New Delhi within one month or else my admission would be cancelled," he said. "But re-applying for the passport did not bear the fruits and my admission was cancelled."

Fayaz again applied for the passport in 2011 but was fined Rs 2500 by RPO Srinagar for not disclosing that he had applied twice for the same earlier.

But Fayaz's long wait finally ended on October 10 this year when he got the passport but not before what he says "my career was ruined."

"Today I am asking myself what I should do with this passport: should I send it back to passport office or burn it."

Fayaz, who is working as a government teacher presently accuses the state government of ruining his career and shattering his dream of serving the society.

MILITARIZATION

➤ CRPF TO VACATE HOTELS IN SRINAGAR

Oct 14: After more than two decades, paramilitary CRPF is all set to vacate the hotels occupied by it in Srinagar. The move is being undertaken on the directions of Ministry of Home Affairs (MHA).

Talking to media Inspector General of CRPF (Administration) said that hotels occupied by the paramilitary force would be vacated within shortest possible time. "We would be vacating all the hotels in Srinagar city. We are waiting for Jammu and Kashmir Police to arrange alternate accommodation for the force," the IG added.

Reliable sources said that Ministry of Home Affairs (MHA) has directed CRPF to vacate the hotels and guest houses as soon as possible.

Pertinently, following heavy influx of tourists to the Valley in June this year MHA had passed instructions to the paramilitary CRPF to vacate all the hotels it had occupied on the Boulevard Road here. "Tourism is picking up and move is aimed only to ease out the problems of accommodation to tourists," sources said.

Police here said providing of alternate accommodation to CRPF is one of the priorities. "It is one of the priorities and we are actively looking for alternate accommodation for force," a senior police officer said. "Since the eruption of militancy in the Valley anti-insurgency forces were deployed in haphazard manner and we are trying to give a shape to it," he added.

The police officer said slow and steadily alternate accommodation would be provided to CRPF. "We are hopeful that CRPF would vacate the hotels before next summer," he added.

Data available with police reveal that in early '90s paramilitary BSF occupied 79 hotels and guest

houses in the city. In recent years, 34 of them were vacated and 45 are still under the occupation of CRPF which replaced BSF in 2005.

Most occupied hotels, police said, are located at prime places and before the eruption of militancy these places were being used by tourists.

Most hotels, according to police, are used by CRPF as battalion and company headquarters in different parts of Srinagar.

Police records reveal that there are 52 battalions of CRPF operating in the Kashmir Valley. Among these 25 battalions of CRPF are present in Srinagar and they are working under the command of Inspector General (IG) administration CRPF based in Nishat area. Twenty seven other battalions are working under IG operations CRPF based in Zewan area of Pulwama district.

Earlier, 45 bunkers of CRPF were removed from different parts of Srinagar. The removal of bunkers in Srinagar was part of the 8-point Confidence Building Measures (CBMs) announced by the Centre in September 2010, after the massive unrest broke out in Kashmir. The CBMs were meant to provide relief and instill a sense of security and confidence in the people of the state.

Pertinently, Union Home Minister Shushil Kumar Shinde recently said that 71 additional companies of CRPF were deployed in J&K during September 2012 on the request of the state government.

➤ 13,000 KANALS UNDER ARMY OCCUPATION IN NOBRA VALLEY

Oct 3: Army is occupying more than 13,000 kanals of land in Nobra Valley of Ladakh, Chief Minister Omar Abdullah informed the legislative Assembly.

Replying to a written question by MLA Nobra T Namgyal, Omar said 13,424 kanals and 10 marlas of land

under the occupation of army and other paramilitary forces in Nobra.

In reply to query whether the land under army occupation has been regularized, Omar, who is also the Minister for Home said, "The District administration Leh

'EXCELLENCE IN COUNTER-INSURGENCY OPERATIONS PREREQUISITE FOR PROMOTION OF SPECIAL POLICE OFFICERS'

GOVT MAKES STARTLING REVELATION ON ROLE OF POLICE; 2557 SPOS ENGAGED IN 2 YEARS

Oct 8: In a startling revelation on the role of police in J&K, the state government said "excellence in counter-insurgency operations is a prerequisite for promotion of the Special Police Officers."

In a written reply on a relevant question by legislator Jagdish Raj Supolia, the Government has said that "after the excellence in counter-insurgency operations, position holders in Sports and ITI diploma holders will be preferred for promotion of SPOs to constables."

The Government reply states: "The state government has formulated a comprehensive policy for absorption/conversion of SPOs as constables/followers (with minimum three years of continuous engagement – Excellence in counter-insurgency operations, excellence in sports and having won 1st, 2nd and 3rd positions in individual or team events at the state or national level

and the Defence Estates Officer, Leh have started the process of joint verification and conciliation, so that the possession of the land can be regularized from the date of its occupation."

competitions, having ITI diploma in different trades or AICTE recognized diploma in computers subject to their qualifying in a trade test [Sic]."

Supolia had sought district-wise figures of SPOs engaged/ regularized in the state during the last two years and the criteria /norms/ rules adopted for their regularization.

The Government also said that 2557 SPOs have been engaged in the state from January 2011 to 20th of September 2012 while 1139 SPOs have been converted into constables/ followers since January 2011. "Maximum number of SPOs have been engaged from district Srinagar during last two years- 226 in 2011 and 105 in 2012," the government reply states.

"Similarly maximum number of SPOs have been regularized from Kupwara—128 in 2011, 42 from Doda in 2012."

SOLDIERS GO BERSERK, THRASH 20 CIVILIANS IN BARAMULLA

POLICE REGISTERS CASE AGAINST ARMY

Oct 31: At least 20 civilians were injured, 13 of them severely, when they were beaten up by a group of soldiers in Baramulla district in north Kashmir, prompting police to file an FIR against the erring army personnel.

The incident took place in the wee hours when the soldiers belonging to army's 46 Rashtriya Rifles intercepted many vehicles near PHE Office at Khawaja Bagh on Baramulla-Srinagar highway, police sources and eyewitnesses told media.

"At least 20 people, who were travelling in many vehicles, were beaten up by the soldiers who were dead drunk. Later 13 people were shifted to a local hospital for treatment," they said. "Soldiers also snatched money from some drivers."

Of the injured, 10 belong to Bombay Hi Gas Agency and two work in the Animal Husbandry Department, they said.

Shabir Ahmad, manager of the gas agency, said he was going to the company headquarters at Deluna. "At about 3 am, dozens of army personnel intercepted our three vehicles (a Maruti car bearing No. JK04B/7411, a Scorpio JK01J/6096 and a Bolero JK05C/6422) near PHE Office and thrashed us without any reason," Shabir said.

He identified some of the 10 injured employees of the gas agency as: Noor Mohammad Chopan and his elder brother Ghulam Mohammad Chopan (sons of Ghulam Mohiuddin of Tangmarg,) Tariq Ahmad, son of Noor Mohammad Parray of Chanpora, Srinagar, and Riyaz Ahmad, son of Abdul Razaq Wani of Doletpora,

Kreeri. They were later shifted to district hospital Baramulla for treatment.

"All the army men were dead drunk and beat us with sticks, bricks and stones," Shabir added.

Farooq Ahmad Mugal, an employee of the Animal Husbandry Department Baramulla, said he was on way to Srinagar when army men stopped the car. "I and my colleague Syed Tariq Hussain Qadri were cruelly thrashed by the soldiers," Mugal told media.

Other injured included a tipper driver Manzoor Ahmad Dar of Uri. He said two tippers (bearing registration numbers JK05C/1790 and JK05C/2328) loaded with gypsum were going to Srinagar when they were stopped by the soldiers. "Our three associates managed to escape from the spot but I and another driver Arif Hussain Dar of Jal Sheeri were brutally thrashed by the soldiers," Manzoor said. "Later a Sumo driver removed us to the hospital," he added.

A senior doctor at district hospital Baramulla said that 13 people were brought there in injured condition. "Among them six were released after first aid but seven were admitted. They have external and internal wounds," the doctor said.

Meanwhile, police has registered a FIR No. 234/2012 under sections 392 (robbery), 341 (wrongful restraint), and 323 (voluntarily causing hurt), and started investigations, a senior police officer told Kashmir Reader.

However, no arrests have been made so far, he said.

"Our troops are not involved in the thrashing of any person. We met the persons who were thrashed and they said that some persons in green jeep stopped and thrashed them," Major Srivastav, in-charge Commanding Officer, 46 RR, told Kashmir Reader.

"Green jeeps are possessed by many units. We are still investigating who the culprits were. Once the guilt is established and the erring persons identified, we will take stern action against them," he added.

OFFICIAL STATEMENTS

➤ **80 CIVILIANS, 220 MILITANTS KILLED IN 32 MONTHS: GOVT**

Oct 3: The government said about 80 civilians and 220 militants were killed in Valley during last two and half years.

"From January 2010 to September 12, 2012, 80 civilians were killed in various militancy related incidents across the Valley. The maximum number of civilian killings took place in Sopore, where 22 civilians were killed. Seven civilians each were killed in Srinagar, Pulwama and Handwara. Five civilians each lost their lives in Awantipora and Bandipora. Only one civilian killing was reported from Budgam, Shopian and Anantnag districts respectively," the government said in written reply to a question by BJP MLA Prof Chaman Lal Gupta in Assembly.

According to government figures, about 220 militants were killed in Kashmir during last two and a half years. "Eight militants were killed in Srinagar, 16 in Awantipora, 14 in Shopian, 46 in Kupwara, 13 in Ganderbal, seven in Kulgam, 57 in Handwara and one in Anantnag".

"259 militants were arrested while 144 militancy related cases were registered in Srinagar from 2010 to September 12, 2012. Sixteen such cases were registered in Pulwama, 63 in Awantipora, 40 in Budgam, 24 in Shopian, 64 in Anantnag, 110 cases in Kupwara and 161 in Sopore," it said.

The government stated that many persons have been booked under TADA and POTA. "In Kashmir region, 59 cases were registered under TADA and seven under POTA. 278 persons have been booked under TADA and 15 under POTA. In Jammu region, only seven cases were registered under TADA and two under POTA. However, no incidents of pilferage have been reported during the period".

➤ **117 KASHMIRIS RETURN FROM PAK VIA NEPAL IN 3 YRS: CM**

Oct 3: At least 117 Kashmiris have returned home from Pakistan via Nepal in last three years in the wake of 'rehabilitation policy' announced by state government in consultation with New Delhi.

This was revealed in a written reply by Chief Minister Omar Abdullah who is also Minister in-charge Home to a question by Independent MLA Er. Abdul Rashid during the ongoing autumn session of the state legislature on October 3.

Out of these 117 persons, Omar said, 34 have brought their families along with them.

Omar, however, refused to disclose names of the returnees "keeping in view the sensitive of the issue."

➤ **PANDITS LEFT BEHIND 61,000 KANALS OF LAND: GOVT**

Oct 4: Kashmiri Pandits left behind 6,064 structures and nearly 61,000 kanals of land after migrating from the Valley in 1990.

This was disclosed by the Minister for Revenue Raman Bhalla in the Assembly in a written reply to BJP MLA Chaman Lal Gupta's question.

Out of the 6064 structures, Bhalla said, 986 have been damaged/gutted. "They (KPs) had left 60,872 kanals of land, out of which 586 kanals have been encroached upon," he said.

With 17,001 kanals of land, southern Anantnag tops the Valley districts holding the Pandit land. It's followed by northern districts of Baramulla and Kupwara where migrant land stands at 12,660 kanals and 10,343 kanals, respectively. Bandipora figures in the end with 633 kanals.

In Srinagar district, the detail of immovable property left behind by the migrants is "voluminous", Bhalla said. "Most of the migrants have sold their property; however, the unsold property has been protected in light of provisions of J & K Migrant Immoveable Property Preservation, Protection and Restrain on Distress Sale Act 1997, and where encroachments are noticed (they are) removed through the concerned tehsildars," Bhalla added.

To a question about the number of temples, Bhalla said there are 436 temples in the Valley spread over 1282 kanals of land, "out of which 208 have been damaged and 228 are intact." He said the highest number of 57 temples have been damaged in Srinagar, followed by Anantnag district where 56 temples have suffered damage.

➤ **ARMY OCCUPIES 330 KANALS IN POONCH**

Oct 4: More than 300 kanals of land belonging to Wakf (Auqaf Islamia) land is under army's occupation in border district of Poonch, the government said.

"The total area of Wakf land under the illegal occupation of locals is 49 kanals and one marla, and the Wakf land under the illegal occupation of army is 330 kanals in district Poonch," said Minister for Hajj and Auqaf, Ajaz Ahmed Khan in a written reply to a question by National Conference MLA, Ejaz Ahmad Jan in the Legislative Council here.

Jan wanted to know when these occupants will be evicted and the land restored to its real caretakers.

"The matter was taken up with the Ministry of Defence for getting the land vacated. The ministry (through its letter dated 24-12-2011) has assured to examine the matter urgently. But till date neither the land

nor the rent paid to the Auqaf Islamia by army," the minister replied.

➤ **208 TEMPLES DAMAGED IN 2 DECADES: GOVT**

Oct 4: State government today said 208 temples have been damaged in Kashmir valley for the last over two decades but ruled out encroachment on temple lands.

In a written reply to MLA Chaman Lal Gupta's question in the State Assembly, the government said out of 438 temples in Kashmir valley 208 had been damaged for the last two decades in Kashmir valley. However, the reply did not say who damaged the temples.

According to the reply 19 temples in the South Kashmir district of Shopian were damaged, however, out of these two have been re-constructed. In the Central Kashmir's Ganderbal district all the 12 temples are intact. Anantnag district in South Kashmir has highest number of 128 temples out of which 72 have been damaged.

In rest of the seven districts of the Kashmir valley, in Bandipora out of seven, one has been damaged; out of 56 temples in Baramulla 27 were damaged; out of 49 temples in Kupwara, 28 have been damaged; out of 57 temples in Srinagar 19 have been damaged; out of 12 temples in Srinagar six have been damaged; out of 47 temples in Pulwama 21 have been damaged and out of 30 temples in Kulgam 17 have been damaged.

The government said that 63 hectares of land is under the temples in Kashmir valley and ruled out any encroachments.

Giving details of the damage to the private properties of migrants in the valley, the government said nearly 75 per cent of the 1234 structures in Srinagar district have been gutted while in south Kashmir Kulgam district nearly 85 per cent of the 754 structures have been damaged.

The government said that there are 250 hectares of migrant Pandit land in Srinagar. "In Srinagar district immovable property is voluminous. Most of the migrants have sold their property. However, the unsold properties have been protected in light of provisions of the J&K Migrant Immovable Property Preservation, Protection and Restrain on Distress Sale Act 1997. And wherever encroachments are noticed they are removed through the tehsildars of the area," the government said in its reply."

➤ **47,928 PASSPORT CASES PENDING: GOVT**

Oct 8: There are 47,928 passport cases pending disposal in Jammu and Kashmir, the government said.

In reply to a written query by Independent MLA from Langate, Er Rashid, Chief Minister Omar Abdullah, who also holds the Home portfolio, told the Assembly said that the pendency was on account of non-receipt of reports from field agencies, incomplete information or data provided by the applicants, cases reported upon adversely, necessitating their verification and some applicants being out of the state, etc.

During last Assembly session in Jammu in March this year, minister of State for Home, Nasir Aslam Wani, had said that during 2010 out of 65,416 applications, 61,217 cases were processed, and during

2011, out of 84,218 applications, 58,784 have been processed so far.

Wani had said the delay was mainly because many people who had applied for passports have given multiple addresses, which has created problems for the agencies to verify their address. He had also attributed the delay to the large number of backlog cases pending with the agencies.

➤ **2305 PERSONS MISSING IN J&K: CM**

Oct 8: Chief Minister Omar Abdullah said more than 2,300 persons have been declared "missing" in the state even as efforts were on to trace them.

"As per the inputs furnished by the concerned District Development Commissioners, 2,305 persons have been declared missing," Abdullah, who also holds the Home portfolio, told Legislative Assembly in a written reply to a question by MLA Kulgam Mohammad Yousuf Tarigami. Omar said FIRs have been registered in 182 cases while "missing reports" have been lodged in most of the remaining cases.

"Ex-gratia relief has been paid in 729 cases, benefit of compassionate appointment has been given in 58 cases and cash in lieu of government jobs has been paid in 65 cases," he said, adding "all out efforts are being made by the concerned agencies to trace the missing persons."

Replying to the part of question pertaining to rehabilitation of families of the disappeared persons, he said the issue was discussed at the State Rehabilitation Council meeting held in August this year.

Omar said it has been decided to initiate an exercise for establishment of the exact number of missing persons, widows and their children and dependents before taking a decision on their rehabilitation.

On the setting up of Truth and Reconciliation Commission, Omar said he had shared the idea of having such a commission with the House during the Budget session of the Assembly last year.

"The constitution of a Truth and Reconciliation Commission for Jammu and Kashmir would require wider consultation and a broad consensus among all the stake holders," he added.—with additional inputs from PTI

➤ **2557 SPOS ENGAGED SINCE 2011**

Oct 8: The Jammu and Kashmir government has engaged 2557 Special Police Officers (SPOs) from January 2011 till date, Chief Minister Omar Abdullah said.

In a written reply to a question by Jagdish Raj Supolia in the Assembly, Omar, who also holds the Home portfolio, said the government has formulated a comprehensive policy for the absorption, conversion of SPOs as constables/followers with minimum three years of continuous engagement.

The criteria for the engagement of SPOs includes: Excellence in counterinsurgency operations; excellence in sports and having won first, second or third positions in individual or team events at the state or national level competitions; having ITI diploma in

different trades or AICTE recognized diploma in computers subject to their qualifying in a trade test.

"Under the said policy, 1139 eligible SPOs have been converted into constables/followers, since January 2011," Omar added.

➤ **BSF ACQUIRING AGRICULTURAL LAND FOR BORDER FENCING: CM**

Oct 8: Agricultural land is being acquired by paramilitary Border Security Force (BSF) for fencing in border districts of Jammu and Kashmir without paying due compensation to the land owners.

This was stated by Chief Minister Omar Abdullah in a written reply in the Assembly to a question by JMM MLA Ashwini Sharma.

"Yes, sir agricultural land is being acquired by BSF for border fencing in the districts of Jammu division and in Kashmir division," Omar said.

In Kashmir division, Omar said, 183 kanals of propriety land and 157 kanals has been acquired in Bandipora, 16 marlas of state land and 21 locations in Gurez, 97 kanals has been acquired in Kupwara, and 15 marlas in Tangdar and Keran sectors.

However, no compensation and rent has been paid to the concerned land owners till date. "In Kashmir division, the Deputy Commissioner, Bandipora, has already prepared the requisition (order vide no. DCB/LA/08/2093-2406) for land measuring 340 kanals and 17 marlas, coming under LoC fencing at Gurez. The case is presently lying with Defence Estates Officer, Kashmir, for the release of rentals, which have not been released till date," Omar said. "As soon as the rentals are released, payment will be made in favour of the concerned land owners."

In Kupwara, Omar said, the rent case of land, measuring 97 kanals, 15 marlas, is under process with the SDM/Tehsildar/ADEO, Baramulla, and the rent/compensation will be paid to the concerned "as soon as possible".

With regards to compensation to land owners in Jammu districts, Omar said, "Compensation shall be paid to the land owners in districts Jammu, Samba and Kathua after the acquisition process is completed."

➤ **'TRYING TO VACATE FORCES FROM BUILDINGS'**

Oct 8: "All possible efforts" are being made to vacate forces from private and government buildings in Jammu and Kashmir, Chief Minister Omar Abdullah said.

Omar replied in affirmative to a question raised by Sopore MLA Haji Mohammad Ashraf in the Assembly on whether the government intends to shift the forces to some other places and get vacated the Town Hall and Industrial Estate of Sopore, Irrigation rest house Watlab and a residential house at Watlab.

"The building of Town Hall Sopore is under the occupation of 179 battalion CRPF and cannot be vacated at present due to the non-availability of land for the construction of alternate accommodation in the vicinity," Omar said.

"The Industrial Estate Sopore is under the occupation of 177 battalion CRPF and the maximum portion of the said complex has already been vacated except the administrative block, which is expected to be vacated on the completion of the under construction COs office-cum-residential block at Tulbul, Sopore," Omar said.

"The residential house of Abdul Gani Reshi at Sangri, Watlab, has been vacated and the rest house of the Irrigation Department at Watlab continues to be under the occupation of the army," Omar said.

"The construction of alternate accommodation in such areas depends upon the availability of land in that particular area, so as to maintain area dominance on security considerations," he added.

➤ **824 MISSING YOUTH JOINED MILITANCY: GOVT '1082 SOUGHT BENEFITS UNDER REHAB POLICY, 123 RETURNED FROM PAK'**

Oct 09: Stating that 1082 Kashmiris sought benefits under rehabilitation policy and 123 have returned from Pakistan administered Kashmir (PaK) so far, the government said 824 missing youth have joined militancy in the State.

About 824 missing youth of different districts of the State have joined militancy," government said in a written reply to query of MLC Ravinder Kumar Sharma in Legislative Council.

Regarding rehabilitation policy for Kashmiri youth, who had gone to PaK to receive arms training, it said, "The government in consultation with Ministry of Home Affairs, Government of India has notified a policy for return and rehabilitation of the youth willing to return to J&K from PaK".

"About 1082 applications have been received on behalf of the persons, who intend to return under the policy. Around 219 cases have been recommended for return and rest of the applications are being scrutinized and verified," the government said.

It said around 123 persons have reportedly returned from PaK/Pakistan via Nepal and other routes. "90 persons have brought families along with them".

"Keeping in view the sensitivity of the issue, it may not be appropriate to disclose the details of these persons and their families," the government added

➤ **88 SECURITY MEN, 75 CIVILIANS KILLED IN 3 YRS**

Oct 10: The government disclosed that 88 security men and 75 civilians were among 433 persons killed in Kashmir during last three years.

"At least 268 militants, 88 security men and 75 civilians have been killed in militancy related violence in Kashmir from 2010-2012," government said in written reply to query by MLC Ravinder Kumar Sharma in Legislative Council.

As per the statistics, about 36 civilians, 56 security men and 165 militants were killed during 2012. "In 2011, about 28 civilians, 56 security men and 77

militants were killed while 9 civilians, seven security men and 26 militants were killed in 2010," it said

About disposal of weapons and other recoveries after outbreak of militancy and number of weapons which have been seized, the government said the seized weapons are court property and are lying in the 'Malkhanas' of the respective Police stations and District Police lines. "However, in some cases the explosive materials, such as IEDs and grenades have been destroyed on spot or subsequently through the Bomb Disposal Squads to avoid any mishaps. A destruction certificate to this effect is recorded in the relevant records," it added.

➤ **354 BOOKED UNDER TADA, POTA**

Oct 10: Jammu and Kashmir Government revealed that 323 and 31 persons were respectively charged in the State under Terrorist and Disruptive Activities Act (TADA) and Prevention of Terrorism Act (POTA) which have been repealed long back.

Giving information to the supplementary question of Congress legislator Ravinder Kumar Sharma, government informed the Legislative Council that 323 persons were booked under TADA in 63 cases within the jurisdiction of the State.

In Kashmir province, 278 persons were charged in 59 cases under the said law. In Jammu, the number is less as 45 persons have been charged in seven cases under TADA.

As many as 31 persons were charged under another controversial law- POTA. According to the information furnished by the government, 15 persons were charged under POTA in seven cases in Kashmir province.

Government said 10921 AK rifles were recovered in last two decades in Kashmir with 4452 lying in possession of police and remaining 6469 under the custody of Army and paramilitary forces.

"About 28009 AK magazines were recovered with 11061 and 16948 lying in possession of police and Army/paramilitary forces respectively," the reply says.

According to the information, 5020 pistols and five anti-tank mines were recovered in the Valley during the past two decades. "As many as 13 pencils bombs were also recovered in the Valley," the government said.

➤ **UNION HOME MINISTER RULES OUT AFSPA REVOCATION**

Oct 14: Union Home Minister, Sushil Kumar Shinde ruled out revocation of Armed Forces Special Powers Act (AFSPA) from Jammu and Kashmir in near future. However, he hinted at removal of paramilitary CRPF.

"Situation has improved and gradually all such laws will go, but it is not the time to be lenient," Shinde said referring to AFSPA revocation while addressing a rally of party workers at Pradesh Congress headquarters at Srinagar before leaving for Delhi.

"When the situation further improves we will remove the paramilitary forces," he added.

DATE	TROOPERS	MILITANTS	CIVILIANS	OTHERS
Oct 01	-	5	-	-
Oct 02	-	-	-	-
Oct 03	-	-	-	-
Oct 04	-	-	-	-
Oct 05	-	-	-	-
Oct 06	-	-	1	-
Oct 07	-	-	-	-
Oct 08	-	-	-	-
Oct 09	-	-	-	-
Oct 10	-	-	-	-
Oct 11	-	-	-	-
Oct 12	-	-	-	-
Oct 13	-	-	-	-
Oct 14	-	-	-	-
Oct 15	-	-	-	-
Oct 16	-	-	3	-
Oct 17	-	-	-	-
Oct 18	-	-	-	-
Oct 19	-	-	1	-
Oct 20	-	-	-	-
Oct 21	-	2	-	-
Oct 22	2	-	1	-
Oct 23	-	-	-	-
Oct 24	-	-	-	-
Oct 25	-	-	-	-
Oct 26	-	-	-	-

Oct 27	-	-	-	-
Oct 28	-	-	-	-
Oct 29	-	-	-	-
Oct 30	-	-	-	-
Oct 31	-	-	-	-
TOTAL	2	7	6	0
		In toto	15 killings	

CHRONOLOGY

Oct 01: Five militants were killed in an encounter with police and troops in Kangan area of central Kashmir's Ganderbal district, a police spokesman claimed. He said the encounter broke out after police and troops of 24 Rashtriya Rifles launched a counterinsurgency operation in Wangat forest area. In the ensuing gun battle, five foreign militants were killed and a huge cache of arms and ammunition was recovered from their possession. He identified the slain militants as Abu Bakar, Abu Khalid, Murtaza, Osama and Abdul Gazi and said they belonged to Hizbul Mujahideen outfit. Meanwhile, suspected militants fired upon a joint party of army and police in Poshwari area of Shopian district in south Kashmir but there were no casualties reported.

Oct 02: No incident of violence was reported.

Oct 03: Sharief-ud-Din Khan, son of Raj Mohammad Khan, a civilian who was taken into the custody by Army's 32 Rashtriya Rifles (RR) for "questioning" from his home in Hamam Markoot, Baramulla at around 6 pm on October 2 was allegedly shot in his foot by the army. He was detained for question at RR camp Doonawari.

Oct 04: Three paramilitary CRPF persons were injured after suspected militants lobbed a hand grenade towards their bunker in Sopore town of North Kashmir. All the three injured were rushed to Sub District Hospital Sopore where doctors administered them with first aid and discharged after sometime. All the three have received the minor injuries and have been identified as Guatam Sharma, Barsoo Inder Koul and Rajesh Burman.

Oct 05: No incident of violence reported.

Oct 06: 65-year old Mukhti Begum wife of Sulaiman Naikoo of Ahlan Bala village Kokernag was beaten to death allegedly by police during an altercation.

Oct 07: No report of violence from any part of the state.

Oct 08: No report of violence from any part of the state.

Oct 09: No report of violence from any part of the state.

Oct 10: No report of violence from any part of the state.

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

Oct 12: No report of violence from any part of the state.

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

Oct 14: No report of violence from any part of the state.

Oct 15: No report of violence from any part of the state.

Oct 16: Three civilians, including two teenagers, were killed in firing by Pakistani troops near the Line of Control (LoC) in Uri Sector of this north Kashmir district, army officials said. Army identified the killed civilians as Mohammad Shafi Khatana, 26, son of Imamudin Khatana, Liyaqat Ahmad Deedar, 16, son of Nazir Ahmad Deedar, and Shaheena Akhtar, 16, daughter of Mohammad Ismail Lohar.

Oct 17: No report of violence from any part of the state.

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

Oct 19: A civilian died and two persons were injured when suspected militants strikes on an army convey outside a hotel Silver Star at Nowgam bypass, on the outskirts of Srinagar. The militants after fired on the passing army convey went inside the nearby hotel where they, according to the hotel staff, killed the hotel's bellboy Farooq Ahmad, a resident of Tral town before escaping the spot. The injured persons were identified as, Anees and Bilal. According to a local news agency CNS Lashker-e-Toiba owed the responsibility of the attack, however, the outfit dined its hand in killing the civilian.

Oct 20: A CRPF constable was injured in an encounter between militants and the forces at Shalpora area in Sopore. The encounter started in the evening when 22 RR, Special Operation Group (SOG) of Police and CRPF launched a joint search operation in the area. The militants hiding inside a house allegedly hurled a grenade at the forces, injuring one constable, Sumit Kumar.

Oct 21: Two top members of Lashker-e-Toiba militant outfit, including a Divisional Commander, were killed in an overnight encounter with the forces in Sopore town of this north Kashmir district, officials and reports said. Two force personnel—an Assistant Sub-Inspector of Police and a CRPF man—were also injured in the operation launched by a joint team of police, army's Rashtriya Rifles and CRPF at Shalpora village of Sopore. The militants died in the encounter were

identified as Muzammil Ahmad Dar alias Urfi, the self-styled Divisional Commander of Lashkar and Abdullah Shaheen, a resident of Pakistan.

In a separate incident, an eight-grade student was shot at by unidentified gunmen outside his home in this north Kashmir town. Yasir Arfat, 15, son of Mohammad Amin Malik, a resident of Baba-Raza was critically injured when unidentified gunmen opened fire at him outside his house.

Oct 22: Two army personnel were killed and another injured as an army team fired at another "mistaking it to be militants" in central Kashmir's Budgam district official sources said. The deceased soldiers were identified as, Sepoy Ghulam Rasool Sheikh, and Territorial Army driver Abdul Rauf. While a youth namely, Anees Ahmad Wani who was injured in Hotel shoot out at Nowgam bypass on October 19 succumbed to his injuries. In a separate incident, a paramilitary CRPF trooper was injured when his service rifle went off accidentally during duty at Awantipora in south Kashmir's Pulwama district. The injured trooper identified as P Sethi of 180 battalion CRPF, has been hospitalized, reports.

Oct 23: No report of violence from any part of the state.

Oct 24: No report of violence from any part of the state.

Oct 25: No report of violence from any part of the state.

Oct 26: No report of violence from any part of the state.

Oct 27: No report of violence from any part of the state.

Oct 28: No report of violence from any part of the state.

Oct 29: No report of violence from any part of the state.

Oct 30: An army jawan was injured in a mine blast at forward Kerni sector of Haveli tehsil in Poonch district. Official reports said that an army jawan was moving towards forwards Post and all of sudden he stepped over a land mine. His foot was blown up in the mine blast. The Injured was identified as Raj Gurang.

Oct 31: No report of violence from any part of the state.

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