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Monthly

# ***KASHMIR TODAY***



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*Monthly*

# KASHMIR TODAY

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# ANNUAL HUMAN RIGHTS REPORT - 2017

**Human Rights Division**  
All Parties Hurriyat Conference  
Raj Bagh, Srinagar, Kashmir

In 2017, the killing of human beings, incidents of violence, border firings and curbs on the public movement in Kashmir went on throughout the year. Imposition of curfew, restrictions on people's movement, freezing of internet services, people's protest and forces action, people getting killed and injured, use of lethal weapons by the government forces as crowd control measure, like in previous years remained unchanged. As the wounds of 2016

Forest of Handwara in the month of August clearly serve as pointer that such phenomenon do still continue. In the month of May, a civilian driver from Shopian area, who according to his family was forcibly taken by the army to ferry them in his cab, got killed when armed men attacked the army party in Imam Sahib area of the district.

In eight days of December, three civilian deaths were reported in three separate incidents of firing, two of



were still bleeding, Kashmir undoubtedly suffered in 2017 as well.

In brazen violation of all the international treaties and international humanitarian law, Farooq Ahmad, a youth from Budgam area was tied to the front of an Army jeep by an army officer and was used as a 'Human Shield'. Several reports of torture also came to fore. Although the incidents of enforced disappearances and fake encounters have come down but serious allegation of a fake encounter from a family in Handwara area reported in Hafra

they were young women whereas the third one a driver by profession, was killed when Army soldiers who had laid an ambush in the area fired upon him without any warning as he was parking his vehicle some yards away from his house.

There are many instances in which excessive use of force by the government forces has led to the killing of civilians. Unabated use of Public Safety Act (PSA), arrests, illegal detentions, strikes and protests and frequent crackdown on voices of dissent also remained unchanged. The resistance

leadership and the political activists were repeatedly kept under house arrest or were put behind the bars. This year also witnessed raids by the National Investigation Agency on the houses of the resistance leadership, activists and some businessmen of Kashmir. On the basis of these raids investigation agency framed number of Kashmiri leaders allegedly in a, widely considered, to be a frivolous, case and they are presently lodged in Delhi's Tihar jail.

Gruesome killing of Amarnath pilgrims in the month of July and barbaric lynching of a police official witnessed in this year were condemned by political leadership as well as each and every section of Kashmiri Society and the serious concern shown by the society proved that such fiendish acts cannot be justified at all.

Fatalities due to border clashes were reported during this year as well. The clashes between the forces of India and Pakistan at the border and LOC consumed many precious lives on both sides. It is also not hard to reason out that most of the wrath of mortar shelling and small arm firing at LoC is faced by hapless population residing on both sides of the fence.

Persons arrested in Kashmir were sent to jails outside the Valley, inaccessible to their families and resulting in double punishment to the detainees as well as to their families and systematic prisoner abuse and ill-treatment continued to be widely practiced with the detainees and under trial Kashmiri prisoners in different jails during this year also.

Carrying Muharram processions on 8<sup>th</sup> and 10<sup>th</sup> Muharram around Lalchowk area were banned during this year as well, and due to imposition of curfews and restrictions, the congressional Friday prayers at Kashmir's Historic Grand Mosque (Jamia Masjid)

Srinagar, could not be offered for 18 times. The chief cleric and chairman of the APHC, Mirwaiz Mohammad Umer Farooq, was also repeatedly kept under house arrest.

Cases of violation of juvenile rights were also reported and it was learnt that the proper implementation of the act concerning their rights,

justice, protection and care has remained a half-hearted exercise.

Although Government claims that it has made the State Human Rights Commission (SHRC) operational but being only a recommendatory body, the commission's hands remain tied as it has not been provided with enough powers to force implementation. According to the reports and figures available it came to fore that, of 59 recommendations made by SHRC this year, 44 have been rejected by the government and it clearly indicates that SHRC has been reduced to the authority of issuing only the recommendations to government which government either does not consider or declines to implement.

In this horrific scenario there is no respite to the people in Kashmir and every right thinking person can see the futility of aggressive posturing as it has not yielded any positive result in the past. What should be paramount for all the concerned is a sincere effort..

### TOTAL KILLINGS

Total number of 391 deaths in violent incidents were reported during this year. Out of 391 persons, **97** were Civilians, **81** Armed Forces and Police Personnel and **212** Militants, while killing of **one** counter-insurgent was also reported. As compared to 2016, which witnessed 389 killings, the graph of killings during this year showed slight upward trend. Out of 97 civilians killed, **thirty six** persons were killed in forces action, out of these thirty six persons **one** person was killed in a fake encounter. **Twenty nine** persons (including eight Amaranth Pilgrims) have been killed by unidentified gunmen. **Seven** persons got killed due to grenade blast attacks. **Eight** persons were killed in cross-firing incidents between forces and militants. **Nine** civilians were killed in firing or shelling between Indian and Pakistani troops. **Four** persons working as bank guards lost their lives during attacks on the bank vans by unidentified gunmen. **One** person reportedly died due to heart attack while running for safety during clashes. **One** person died due to petrol bomb attack. **One** person allegedly died due to suffocation caused by the tear smoke shells. At the

same time **one** person lost his life due to stone injury during a stone-pelting/throwing incident.

Among 81 forces and police personnel killed during this year, **one** police official was lynched by an unruly mob, **five** were killed during an attack on the bank van whereas killing of a few forces personnel who were on leave was also reported.

(During this year - On February 21, Wasim Ahmad Thokur S/o Haji Mushtaq Ahmad Thokur of Schuch village of Kulgam who had sustained multiple pellet injuries during 2016 uprising allegedly died due to the injuries. According to the family and locals, death was triggered by pellet injuries the victim had sustained in September 2016.

Cases of death of a couple of cases, however, remained controversial because the authorities claim their deaths due to other reasons whereas the family members of the victims sighted different reasons.)

### **Civilians killed in J&K2017:**

	Civilians Killed
January	0
February	3
March	8
April	18
May	12
June	7
July	12
August	13
September	6
October	12
November	2
December	4
Total:	<b>97</b>

### **Armed Forces and Militants killed in Kashmir in 2017:**

	Armed Forces Killed	Militants Killed
January	0	13
February	9	11
March	1	11
April	5	8
May	10	17
June	15	30
July	1	27
August	14	25
September	4	18
October	8	18
November	9	28
December	5	6
Total	<b>81</b>	<b>212</b>

### **Annexure:**

### **Civilians killed in Jammu & Kashmir during 2017**

**On February 12**, the body of 38-year-old Aashiq Reshi, son of house owner AbdulMajid, was recovered from the debris of the house where the militants had taken shelter and later was blown up during the encounter.

**On February 12**, a civilian namely Mushtaq Ibrahim Itoo (22) S/o Mohammad Ibrahim Itoo R/o Hatigam,



Srigufwara was killed during protests that broke out in the Srigufwara area. He was hit by a bullet fire by the forces on protests and later succumbed at District Hospital Anantag.

**On February 23**, an elderly woman Taja Begum wife of Ghulam Muhammad Mir died after being hit by bullet inside her home when militants ambushed an army patrol party near Moolu Chitragam village, Shopian.

**On March 03**, one of the injured civilians, identified as Mohammad Ayub Wani (35) S/o Mohammad Ahsan R/o Gusoo, Pulwama succumbed to injuries at a hospital. He was injured when suspected militants hurled a grenade on a CRPF party in Murran Chowk in Pulwama District.

**On March 09**, a fifteen year old teenager, identified as Amir Nazir Wani (15) S/o Nazir Ahmad of Beegumbagh, Kakpora was shot dead by the forces during clashes near the encounter site in Padgampora village of south Kashmir's Pulwama district. He got a bullet injury in his neck and was declared dead on arrival at PHC Kakapora.

**On March 09**, according to media reports, quoting witnesses, a civilian Jalal-ud-Din Ganai of Tahab, Pulwama died due to heart failure while running for safety during the classiest Padgampora. He was

brought dead to the hospital.

**On March 13**, a former sarpanch (village head) Fayaz Ahmad S/o Abdul Khaliq was abducted by unidentified gunmen from his Kakoorra residence in Pulwama and later his bullet riddled body was recovered from Chewa Kalan village in the District.

**On March 13**, a minor girl, identified as Kaneeza (6 year) and a minor boy Faisal were injured when they were hit by bullets during an encounter at Hyhama area of Kupwara District. Girl Kaneeza succumbed to her injuries and boy was shifted to Srinagar for treatment.

**On March 27**, three civilians were killed in Chadoora when government forces opened fire to disperse protesters near a gunfight site in the area. Three youth killed were identified as:

Ishfaq Ahmad Wani (24) S/o Abdul Rashid Wani

R/o Vavoosa Rangreth

Zahid Rashid Ganai S/o Abdul Rashid Ganai R/o Chadoora, Budgam A Bullet hit his neck.

Saqib Ahmad alias Amir Fayaz Wani (18) S/o Fayaz Ahmad Wani

R/o Vavoosa Rangreth

He was hit by a bullet in a chest.

**On April 09**, eight civilians were killed in government forces action at different places on polling day in Budgam and Ganderbal areas during by-election to the Srinagar Lok Sabha seat. The deceased were identified as:

Faizan Fayaz Dar (15) 7<sup>th</sup> class student

S/o Fayaz Ahmad Dar

R/o Dalwan village in Chrar-e-Sharif.

Abass Jahangir (22) Student

S/o Jahangir Ahmad

R/o Dalwan village in Chrar-e-Sharif.

Both Faizan and Abass were declared as brought dead by the hospital authorities. Both succumbed to bullet wounds.

Shabir Ahmad Bhat (22)

S/o Ghulam Mohammad Bhat R/o Dawlatpora, Chadoora.

He was hit by a bullet in neck and shoulder.

Nissar Ahmad Mir (25) S/o Gulam Mohammad Mir R/o Ratson, Beerwah Budgam

He received multiple bullet injuries, he was declared

as brought dead by the hospital authorities.

Akeel Ahmad Wani

R/o Churmujroo, Beerwah

Adil Farooq Sheikh (19)

S/o Manzoor Ahmad Sheikh R/o Yarigund, Kawoosa.

He succumbed to multiple pellet injuries in the Kawoosa area of Beerwa constituency in Budgam District.

Amir Ahmad Malla (20) S/o Bashir Malla,

R/o Sogam, Chadoora

He was injured and succumbed to injuries in the hospital.

Omar Farooq Ganie

S/o Farooq Ahmad Ganie

R/o Barsoo Bypass Ganderbal.

He was hit by a bullet by SFS firing at Barsu in Ganderbal District, also succumbed to injuries at hospital.

**On April 10**, Mini-bus driver identified as Ali Mohammad Dagga (55) R/o Barthana Qamarqari, Srinagar was hit by a stone during a stone pelting/throwing incident at Tengpora bypass. One of the stones hit the driver in the forehead and he lost control of his vehicle, hitting an electric poll and he died on spot.

**On April 11**, a woman died allegedly due to suffocation caused by intense tear gas shelling by the forces in Pulwama area. The media reports quoting witnesses said that Shameema Akther wife of Nazir Ahmed was busy at her home when she started coughing. "She complained of chest pain and within minutes, she collapsed and fainted. The victim was immediately rushed to District Hospital where doctors declared her as brought dead."

**On April 15**, a bullet-riddled body of a youth was recovered from an orchard in Khaipora village in Kralgund area of Handwara in north Kashmir's Kupwara district. The deceased was identified as Suhail Ahmad Dar aka Jana Dar.

**On April 15**, A civilian identified as, Sajad Hassan Sheikh of Chandoosa Baramulla, was shot dead by BSF personnel near Reck Chowk, Batmaloo. He was shot in his head.

**On April 15**, one person identified as Bashir Ahmad

Dar, was killed when unidentified gunmen opened fire on him at Qasbayaar Rajpora of Pulwama District.

**On April 17**, unidentified gunmen barged into the house of Advocate Imtiyaz Ahmad Khan in Pinjora Shopian and killed him.

**On April 19**, a youth, Muzaffar Ahmad Mir (22) S/o Ghulam Mohiudin R/o Zangalpura, Kulgam, was hit by a bullet in his thigh during clashes with government forces, on the day of by-polls at Baroosa area of Ganderbal on April 9 for Srinagar Lok Sabha constituency, succumbed to his injuries at SKIMS, Hospital in Bemina.

**On April 24**, District President for Pulwama of the ruling PDP, Advocate Abdul Gani Darwas killed by unidentified gunmen in Pinglena area of Pulwama District.

**On April 27**, a civilian, identified as Mohammad Yousuf Bhat (57) S/o Khazir Mohammad Bhat got killed when forces opened fire on protestors in Panzgam village of Kupwara District.

**On April 27**, unidentified persons hurled a grenade at a Police bunker and it fell on the road resulting in death of a civilian who was identified as Ghulam Mohammad Khan (65) of Illahi Bagh Srinagar.

**On May 01**, two persons namely Muzaffar Ahmad Laway R/o Ladgoo Nehama DHpora and Javaid Ahmad Bhat of Batpora mohamdpora Kulgam, working as Bank security guards with J&K Bank were killed when unidentified militants attacked a bank van carrying cash in the Kulgam. In this incident some police personnel were also killed.

**On May 04**, a civilian driver, identified as Nazir Ahmad Sheikh (40) S/o Abdul Ahad Sheikh of Kaczdoora village in Shopian, who according to the family was taken forcibly by Army, while driving the cab in which Army was returning after search and cordon operation, was killed in the ambush.

**On May 06**, three civilians were killed when Militants, travelling in a car, opened fire on police party which had gone to Mir Bazaar area to investigate a road accident. The three civilians killed in the incident were identified as:

Niaz Ahmad Mir

R/o Mir Bazar Kulgam

Suhail Nabi Lone

R/o Haeri Batpora Tral Pulwama

Hem Raj Sharma R/o Samba.

**On May 10**, a woman Akhtar Bi (35) W/o Mohammad Hanief R/o Nowshera, Rajouri was killed during cross border firing along the LoC in Nowshera sector in Rajouri District.

**On May 13**, two persons were killed in cross border mortar shelling and firing along the LoC in Rajouri District of J&K. They were identified as:

Tufail Hussain (51)

R/o Jhanger, Nowshera

Afiya (13)

R/o Mendhar Rajouri

**On May 14**, a civilian, identified as Mohammad Hussain Dar of Malpora who was injured in the May 6 Kulgam firing incident succumbed to his injuries in the hospital.

**On May 19**, a bullet-riddled body of Mohammad Yousuf Lone was recovered in Gadoora village of Pulwama District. The body had multiple bullet injuries.

**On May 27**, a civilian, identified as Sarshad Ahmad Dar alias Aqib Ahmad Dar S/o Abdul Rasid Dar of Khanqah Tral was hit by bullet in his skull during protests and clashes near the encounter site at Saimoh village of Tral in south Kashmir's Pulwama

**On June 01**, Mohammad Parwaiz died due to cross-border mortar shelling when a GREF (General Reserve Engineering Force) vehicle, engaged in construction work at Balnoi Forward was directly hit by a mortar shell.

**On June 06**, Adil Farooq S/o Farooq Ahmad Magray R/o Ganowpora Shopian was hit by a bullet in his chest after forces opened fire to disperse protestors near a cordon-and-search operation in Ganapora village of Shopian.

**On June 15**, a youth Naseer Ahmad Sheikh (22) S/o Ghulam Mohi-ud-Din Sheikh R/o Ashtengoo Bandipora was killed after Sashastra Seema Bal (SSB) personnel opened fire directly on protestors in Rangreth area of Srinagar.

**On June 16**, two civilians, identified as Mohammad Ashraf Khar (34) R/o Arwani Bijbehara and Ahsan Mushtaq Dar (15) S/o Mushtaq Ahmad Dar R/o

Shamsipora, Kulgam were killed near the encounter site in Arwani when forces fired to disperse the protestors. Both the youth had received bullet in chest.

**On June 17,** Un-known gunmen killed Aijaz Ahmad Malik of Pinglana. Aijaz was firedup on by un-known gunmen outside his house and was critically injured. He succumbed to his injuries at a hospital.

**On June 22,** a civilian identified as Touseef Ahmad Wani S/o Gulam Rasool Wani resident of Tengpuna village of Pulwama died during clashes between protesters and government forces in Kakapora. He had suffered multiple pellet injuries and was shifted to Sub-district hospital Pampore where he was declared dead on arrival.

**On July 01,** two civilian got killed when one of the victims Tahira Begum W/o Abdul Rashid Chopan R/o Brienty-Dailgam was killed in cross firing while another victim Shadab Ahmad was hit by a bullet fired by the forces to disperse protestors during clashes near the site of gunfight in Dailgam village in Anantnag District.

**On July 10,** un-known gunmen attacked a bus carrying Amarnath pilgrims near Khanabal in south Kashmir and killed seven persons including six women, and injured 32 others. The deceased were identifies as Hasuben Ratila Patal, Surakha Ben and Lakshimiben S Patal from Valsad, Ratan Zeena Bhai Patal of Daman and Prajapati Champaben of Navsari from Gujarat. While as Nirmala Ben Thakor, a resident of Palghar, and Usha Mohanla Sonkar of Danu were from Maharashtra

**On July 16,** a woman pilgrim, identified as Lalita (47) injured in the attack on Amarnath Yatra bus on July 10, succumbed to her injuries at SKIMS hospital in Srinagar, taking the death toll in the July 10 attack to eight.

**On July 18,** a 60-year-old civilian identified as Mohammad Abdullah Ganaie who was injured after Army men had allegedly opened fire in Bijbehara during an altercation between the locals and army men, on July 17, succumbed in the hospital. Ganaie was shot in leg and was referred to SKIMS Soura.

**On July 21,** a civilian was killed after Army opened fire on a few protestors which resulted in the death of

TanveerAhmed Wani S/o Mohammad AkbarWani of Beerwah area of Budgam District.

**On August 01,** one civilian, identified as Firduos Ahmad Khan of Begum Bagh in Kakapora Pulwama was killed when forces opened fire to disperse protesting youth during clashes near gunfight site in Hakripora village of Pulwama. He was hit by a bullet in chest and was rushed to the hospital where he succumbed to his injuries.

**On August 02,** one civilian identified as Akeel Ahmad Bhat S/o Late Abdul Majeed Bhata resident of Gabarpora Haal village who had sustained bullet injuries when government forces opened fire during clashes in Pulwama, succumbed to his injuries at SKIMS.

**On August 05,** a civilian namely Gulam Mohi-ud-Din (35) S/o Mohammad Yousuf Bhat R/o Arwini, Bijbehara was killed during a gunfight in Kanelwan village in Bijbehara. Deceased who was a laborer by profession was returning home and was riding a motorcycle in the areaat the time of encounter.

**On August 08,** Ishtiyag Ahmad Wagay (30) S/o Mushtaq Ahmad Wagay resident of Jablipora, Bijbehara was killed by Un-known gunmen in Shopian.

**On August 08,** a youth identified as Mohammad Younis Sheikh (17) R/o Soimoh Tralwas killed in forces action during clashes between forces and protesters in Tral which erupted during an encounter in the area. Sheikh's body bore pellet and bullet wounds.

**On August 12,** a 40-year-old woman, identified as Raqia Bi W/o Mohammad Ayoub R/oGohlad was killed during a cross-border shelling incident in Poonch sector.

**On August 13,** a civilian, identified as Imtiyaz Ahmad Mir of Hawal, injured in a petrol bomb attack near Badyari Chowk in Dalgate died in a hospital.

**On August 13,** Mohammad Sayeed Bhat (25) S/o Gulam Hassan resident of Shirmal Shopian got hit by bullet when forces fired to disperse protestors near the encounter site in Avneera, Shopian.

**On August 13,** another youth, identified as Owais Ahmad Dar S/o Mohammad Shaf iDar resident of Kakapora Pulwama was killed after he was hit by

pellets fired by the government forces on protestors in Kakapora area of Pulwama.

**On August 19**, un-identified gunmen shot dead, Mohammad Isaaq Parray S/o AbdulGani Parray at Uggen in Dailgam area of Anantnag.

**On August 20**, a bullet-riddled body of a 16-year-old youth, identified as Gowhar Ahmad Dar S/o Abdul Rahim Dar R/o Urpara Nagbal was recovered in Nagbal in Shopian District.

**On August 20**, a local cable network operator, identified as Hilal Ahmad Malik was shot dead by unknown gunmen near his residence at Malik Mohalla in Shopian District.

**On August 23**, Shahid Bashir Wani (22-23) from Daril Tarthpora in Vilgam Handwara who was killed by the army in Handwara forests but family claimed that he was killed in a 'fake encounter'. The slain youth was a college student.

**On September 07**, one person identified as Maqsood Shah S/o Ali Mohammad Shah of Budgam was killed when un-identified persons hurled a grenade targeting CRPF personnel at Jahangir Chowk in Srinagar.

**On September 16**, woman identified as Ratano Devi was killed in border shelling across Arnia sector, Jammu.

**On September 21**, three civilians including a woman got killed during grenade attack by the unidentified gunmen on a cavalcade of ruling minister in Tral town of Pulwama District. The slain civilians were identified as Rattan Deep Kour alias Pinky Kaur D/o Richpal Singh of Chattrogam Tral (a Sikh woman student of Islamic University), 80-year-old Ghulam Nabi Trag R/o Tral-i-Payeen and Mohammad Iqbal Khan.

**On September 27**, a civilian, identified as Mushtaq Ahmad, who was among 30 persons injured in Tral grenade attack on September 21, succumbed to his injuries at SKIMS Soura in Srinagar, taking the death toll in the attack to four. The deceased was working as salesman and was father of two.

**On October 02**, two children died in cross-LoC shelling in Poonch District. One of the children was identified as Jasmin Akhtar (15) D/o Mohammad Sadiq R/o Digwar, Poonch.

**On October 03**, un-identified gunmen killed Showkat Ahmad Dar S/o Abdul Rehman Dar of Arwani Bijbehara.

**On October 03**, un-identified gunmen killed a Sarpanch (village head) of a ruling party. Deceased was identified as Ghulam Rasool Ganie.

**On October 06**, un-identified gunmen shot dead a former militant, identified as Rafiq Ahmad bhat alias Dada S/o Ghulam Mohi-ud-Din in Tral town of Pulwama District.

**On October 12**, a civilian working as a porter with Army was killed in cross-border firing in Krishna Ghati sector in Poonch District. The deceased was identified as Mohammed Zahir, a resident of Kalali village in Rajouri District.

**On October 14**, one civilian, identified as Gulzar Ahmad Mir of Illahi Bagh Lassipora Pulwama was killed in forces action to quell the protests and clashes which broke out in the area after a gunfight erupted in Litter area of Pulwama. The slain was hit by a bullet and succumbed in hospital.

**On October 16**, A ruling party worker and a former Sarpanch, identified as Mohammad Ramzan Sheikh (50) was killed by unknown gunmen in his house at Huomhuna village in Imam Sahib, Shopian.

**On October 18**, unidentified persons killed Aijaz Ahmad Lone S/o Ali Mohammad Lone R/o Gattipora a teacher by profession. His throat slit body was found near Lar Maadan Stadium in Wathoo.

**On October 21**, a civilian working as a porter was killed in a cross-border firing along the LoC in Kamalkote sector of Uri in Baramulla District. Deceased was identified as Mohammad Abbas (22) resident of Kamalkot Uri.

**On October 22**, a woman was killed and another one injured when unidentified gunmen fired on them at Seer village of Tral in Pulwama. Gunmen barged inside a house in Seer Jagir in Tral and fired at the women present there, among them, 18-year old girl, identified as Yasmeena D/o Ghulam Rasool Bhat R/o Khonmoh was killed.

**On October 22**, unidentified gunmen shot dead a street vendor, identified as Shakir Ahmad, resident of Uttar Pradesh in Arwani area of Anantnag District.

**On November 02**, unidentified persons killed

Gowhar Ahmad Bhat S/o Mohammad Auob Bhat of Shopian who was BJP Youth President Shopian. His throat-slit body was found at Kiloora Shopian.

**On November 08**, unidentified gunmen shot dead Ghulam Mohiuddin Sheikh (46) S/o Mohammad Ramzan Sheikh a labourer by profession and a resident of Bomai, Sopore. His bullet riddled body was found in an orchard in Brat area of Sopore.

**On December 11**, Misra Banoo (25) D/o Mohammad Shaban Mir W/o Ishfaq Ahmad Wani was killed amid gunfight between militants at Younso Handwara. The family of the deceased alleged that she was hit by the bullet fired by the forces.

**On December 11**, Mushtaq Ahmad (30) of Khundroo Shangus in Anantnag and Tariq Ahmad (25) of Zaroo Tumlehaal Pulwama

working as guards with J&K Bank were killed while escorting a cash van that came under attack from unidentified gunmen at Poju-Keller in Shopian.

**On December 17**, a civilian identified as Asif Iqbal Bhat (28) S/o Mohammad Iqbal Bhat resident of

Thindpura Kupwara was killed by the Army in an ambush laid down for the militants. The deceased was a driver by profession.

**On December 19**, a woman, identified as Ruby Janaka Beauty Jan (24) W/o Manzoor Ahmad Mir resident of Bata Murran, Kellar-Shopian was hit by a



bullet reportedly fired by the forces when a gunfight was going on in the area. Deceased was hit in her abdomen while she was sitting in a room with baby in her lap. She was rushed to a hospital but died on the way.

## KASHMIRI ASPIRATIONS MUST BE RESPECTED

Dr. Ghulam Nabi Fai

"If parties (India & Pakistan) come here and both of them call upon the Security Council to make recommendations for the solution of their (Kashmir) dispute, ought they not in advance agree to abide by it? They are not bound to ask the Security Council to make such recommendations, but if they do, I ask the Committee of Experts if they have not thereby implied that they will conform or try to conform to them." Ambassador Warren Austin of the United States at the Security Council on May 26, 1948.

If promises are made to be broken, then Kashmir may be summoned to prove the treacherous proposition. Broken promises haunt Kashmir's history, and explain its tragedy.

The Kashmir issue is simply this: the people of a large territory which is not part of any existing sovereign state were assured by the entire international community represented by the United

Nations that they would be enabled to decide their future by a free vote. Until now, this assurance has not been honoured.

With the lapse of British dominance on August 15, 1947, broken promises over Kashmir came not like single spies but in battalions, to borrow from Hamlet. Princely states enjoyed three options: accession to India, accession to Pakistan, or independence. But the choice, according to India's Prime Minister Jawaharlal Nehru and tacitly endorsed by the British, was to be made by popular referendum in cases where the creed of the ruler varied from the religion of the majority. That fundamental democratic principle had been sternly applied by Prime Minister Nehru with military means in Hyderabad and Junagadh where the rulers were Muslim but their inhabitants largely Hindu. Kashmir presented a converse case: the Maharaja was Hindu but the

majority subscribed to Islam.

On November 2, 1947, Prime Minister Nehru reiterated: “[W]e have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given and the Maharaja supported it, not only to the people of Kashmir but to the world. We will not and cannot back out of it.”

Mr. Gopalaswami Ayyanger, the Indian delegate to the United Nations spoke on January 15, 1948 at the Security Council, “When the Indian Independence Act came into force, Jammu and Kashmir, like other states, became free to decide whether it would acceded to the one or the other of the two dominions, or remain independent.”

Sir Benegal Rama Rau said at the Security Council on March 1, 1951, “The people of Kashmir are not mere chattels to be disposed of according to a rigid formula; their future must be decided on their own interest and in accordance with their own desires.”

India thus raced to the United Nations Security Council on January 1, 1948, and championed resolutions of the Security Council that prescribed a self-determination vote for Kashmiris on the heels of United Nations supervised demilitarisation. At that time, the United States championed the stand that the future status of Kashmir must be ascertained in accordance with the wishes and aspirations of the people of the territory. The United States was the principal sponsor of the resolution # 47 which was adopted by the Security Council on April 21, 1948 and which was based on that unchallenged principle. Both India & Pakistan eagerly endorsed that solution to Kashmir's disputed territory.

Ambassador Henry Cabot Lodge of the USA forcefully elucidated the importance of these resolutions on February 15, 1957 in these words, “What do these resolutions (on Kashmir) call for? The resolutions of 13 August 1948 sets out in successive stages a cease-fire, a truce agreement and the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people.”

Ambassador James William Barco of the United States emphasised the importance of the aspirations of the people of Kashmir on February 20, 1957, “The

Security Council has considered the Kashmir problem on many occasions since 1947. Many members of the United Nations have served on the Council when this issue was before us. In every instance, and regardless of the membership of the Council, it has overwhelmingly approved measures to bring about a free expression of the will of the Kashmiri people through an impartial plebiscite.”

India, however, was soon undeceived of its delusions over Kashmir's political yearning. Recognizing that its people would never freely vote accession to India, it contrived excuse after excuse to frustrate a plebiscite. When the United Nations proposed arbitration, a reference to the World Court, or any other method of resolving minor demilitarization quarrels, India nixed them all. After a few years, it dropped all pretense of acceding to a referendum by unilaterally proclaiming its annexation of Kashmir. India's proclamation has never been accepted by the United Nations, which continues to list Kashmir as disputed territory.

Ambassador Adlai Stevenson of USA clarified the unilateral approach to the Kashmir dispute in these words on June 15, 1962, “It must be recognised by both countries that the problem of Kashmir cannot be settled unilaterally by either party. It can only be settled, as I say, by agreement and compromise, taking into account the free expression of will of the people concerned.”

The train of broken promises over Kashmir might be forgiven if the consequences were innocuous or inconsequential. But I submit the opposite is the case. With approximately 700,000 military and paramilitary troops in the territory, gruesome human rights violations are perpetrated with impunity. Every human rights group that has surveyed the grim Kashmir landscape, including Human Rights Watch and Amnesty International, has been shocked and horrified by the daily atrocities committed against civilian population.

Kashmiris' claim to self-determination is exceptionally strong even without the United Nations recognition. Kashmir has been historically independent, except in the anarchical conditions of late 18th and the first half of 19th centuries. The

Territory of Kashmir is larger in size than 121 independent countries and bigger in number than 117 nations of the world.

The United Nations Secretary General, Mr. Antonio Guterres or the President of the Security Council should impress upon the parties concerned to create an atmosphere for a tripartite dialogue India, Pakistan and Kashmiri leadership - that will guarantee peace and prosperity not only in Kashmir but in the whole region of South Asia that is home to

one-fifth of total human race.

Ambassador Gross of the United States put forth exactly the same alternative on December 5, 1952, "... We feel that it is the role of the Security Council to assist the parties in seeking to reach agreement."

Let us hope that the last promise over Kashmir has been broken.

On November 2, 1947, Prime Minister Nehru reiterated: "[W]e have declared that the fate of Kashmir is ultimately to be decided by the people.

## KASHMIRIS TO OBSERVE BLACK DAY

Iqbal Khan

As India prepares for its republic day celebrations on January 26, Kashmiris living in IOK are preparing to observe it as Black Day; they do it every year. On this day, Pakistani flags are raised at every building to demonstrate collective rejection of illegitimate Indian occupation. Kashmir conflict is a humanitarian issue, and sense of urgency for its early resolution has gained further traction during recent years. An Indian government prompted delegation of the "Concerned Citizens Group" led by former Indian Minister Yashwant Sinha has warned of catastrophic situation in 2017 and 2018 in Jammu and Kashmir if India fails to accept ground realities on the dispute: "Almost every Kashmiri we met said that there was a need for a one-time political settlement." "Kashmiris see visits of emissaries of Government of India and civil society groups as farcical exercises and part of a diversionary tactic to handle disturbances in Kashmir," it said. Report pointed out that policies of India to deal with sporadic bursts of protests and anger in Kashmir are described as 'time-buying techniques,' which have only worsened situation. The IOK is the most militarized zone in the world with one Indian soldier for every 12 Kashmiris. Over the decades Indian occupation forces have massacred over 1.5 million Kashmiris. During the current phase of uprising since 8 July, 2016 they have once again unleashed the reign of terror targeting innocent civilians including children. Pellet guns have been used to deliberately target the eyes of peaceful protestors resulting in permanent blindness of around 1,000 people, including young girls and

children. While addressing the UNGA on April 04, 2016, Mr Guterres had aptly stated: "It is widely recognized that there is no peace without development and no development without peace; it is also true that there is no peace and sustainable development without respect for human rights." The quote aptly describes the Kashmir conflict and its impact on the people of Kashmir as well as the region. Each day Kashmiris are being killed by the Indian forces. Hindu terrorist organs like RSS and its partner outfits alongside so-called "Village Defence Committees" are conducting systemic ethnic cleansing of Kashmiri Muslims in the Jammu region. After assumption of government the BJP party cadres have coopted Hindu terrorists. This deadly mix is empowered though full covert support from the government machinery, causing displacement of scores of Kashmiri Muslim families. This move is aimed at transforming Muslim majority Jammu district into a Muslim minority district. According to JKLF Chair Yasin Malik "Issuing of domicile certificates to the Hindu refugees is an attempt to change the demographic fabric of the Jammu and Kashmir and such nefarious designs will be fought tooth and nail." Genocide, state terrorism, settlement of non-Kashmiris and other tools are being employed to bring about demographic change. Pakistan is constantly apprising the international community on these matters. During his recent visit to Davos for attending World Economic Forum, Prime Minister Nawaz Sharif has held a number of sideline meetings to highlight

human rights violations of Kashmiris in IOK. Kashmir cause is gaining traction amongst the comity of nations. A lengthy debate was held on January 19, by "All Parties Parliamentary Group on Kashmir", in the House of Commons focusing on Kashmir conflict and ensuing human rights violations in IOK. International Parliamentarians' Seminar and numerous other such activities are some of the results of the ongoing campaign by the government of Pakistan and the vocal Kashmiri Diaspora. Human Rights Watch in its damning Report has amply highlighted the Indian atrocities. UN Human Rights Commissioner had asked during formal session of Human Rights Council for an independent investigation into the human rights violations in IOK. Such a mission would probably fall under provisions of Article 40, Chapter VII of the Charter, and failure to comply with its recommendations would have invoked Article 41. But the UNSC did not respond accordingly, clearly implying that the United Nations is not taking its responsibilities seriously. Few months earlier Amnesty International had also issued a statement and raised concerns. If the United Nations does not assume such a responsibility, then whom can those that are the most vulnerable, victims of conflict, terrorism, human rights violations and poverty turn to? It is often suggested by the Indian side if people of IOK had jobs, there wouldn't be such turmoil and rebellion in the streets. Indian leadership tends to ignore that the pain of losing one's son to a bullet or having the honour of one's mother or sister violated cannot be replaced with a job. The demand for self-determination has become deep and immersed in a bitterness that has no substitute. This has an international dimension that deserves the attention of the UN and the global community. A plebiscite was promised to the people of Kashmir in 1948, but through various ploys, India has not permitted it, and now claims that Kashmir is an integral part of India. Such a claim has prolonged and exacerbated the conflict between India and Pakistan, despite fact that

United Nations has passed several resolutions in support of self-determination for the people of Kashmir. UNSG has stated, "we need a surge in diplomacy for peace. Under the guidance of the Security Council and in accordance with the Charter, the Secretary General should actively, consistently and tirelessly exercise his good offices and mediation capacity as an honest broker, bridge builder and messenger of peace. Full use should be made of the Organization's convening power, as a forum for dialogue, to ease tensions and facilitate peaceful solutions." There cannot be a better agency than the UNSG to mediate or facilitate between the parties concerned. Though there will be fierce resistance from India but her negativity is not insuperable. Welcoming the statement of UNSG that he was willing to play a role of an "honest broker" between New Delhi and Islamabad on Kashmir issue, All Parties Hurriyat Conference (M) said the issue had remained a cause of confrontation and tensions between the two countries and it was the responsibility of the world body to take meaningful steps for the resolution of the issue in accordance with the wishes and aspirations of Kashmiris. APHC Chairman, Syed Ali Gilani has said that Kashmir dispute should be resolved in its historical perspective keeping in view the aspirations of the Kashmiri people. Well-being of entire South Asia is held hostage to the sense of insecurity radiated by the continuity of open ended Kashmir conflict. Just resolution of the Jammu and Kashmir dispute is essential for normalization of relations between the two countries and peace and development in region. Kashmir is the only entity in South Asia, which has so far been denied the opportunity to determine its political future. International community in general and UNSC in particular have been overlooking serious human rights violations that have occurred in disputed territory of Kashmir. This lapse, which represents a great historic injustice, deserves to be corrected.

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## Masood condemns Indian aggressive posture

Islamabad: Sardar Masood Khan, President Azad

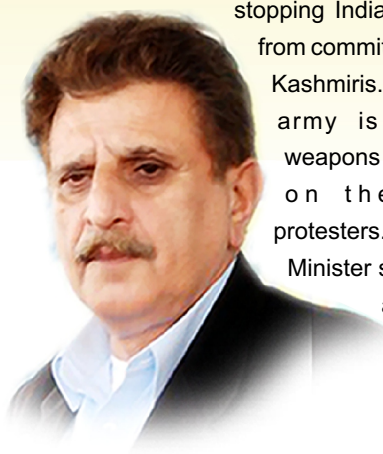


Jammu and Kashmir strongly condemned the unprovoked shelling across the LOC targeting civilians and Pakistan's Armed Forces personnel. He paid rich tribute to the four brave soldiers martyred due to yesterday's shelling and said a befitting response will be given to India for its violations across the control line. The President made these remarks while talking to Shah Ghulam Qadir, Speaker Azad Jammu and Kashmir Legislative Assembly who called on him here in Islamabad. During the meeting, the President said that the people and Government of Azad Kashmir will play a more dynamic and vigorous role in projecting the Kashmir issue at the international level. The President said that the unbridled Indian Occupation forces are using indiscriminate brute force against the innocent Kashmiris and have taken to transforming the demography of Muslim populated areas in Indian Occupied Kashmir. President AJK recommended reaching out to the Parliaments of powerful nations and raising awareness about the war crimes committed in Indian Occupied Kashmir. "The international community including the global civil society must be sensitized to the atrocious human right violations taking place in IOK", said the President. On the occasion, Speaker AJK Assembly informed the President of various development projects taking place in Neelum. The President said that steps will be taken to make Neelum a major tourist destination in Azad Kashmir by developing local infrastructure, constructing roads, establishing standard hotels and tourist facilities. Both leaders urged the need to uphold merit and accountability for ensuring good governance in Azad Kashmir. The

President said, "No compromise will be made on merit, accountability, transparency and public service.PR

## Peace in South Asia linked to solution to Kashmir dispute: AJK PM

ISLAMABAD : Azad Jammu and Kashmir (AJK) Prime Minister Raja Farooq Haider Khan has said that durable peace in South Asia is linked with the peaceful settlement of Kashmir dispute. Talking to Radio Pakistan, he said Indian aggressive designs have put regional peace on stake. Raja Farooq Haider Khan called upon the United Nations and other peace loving countries to play their due role in stopping Indian armed forces



from committing genocide of Kashmiris. He said Indian army is using lethal weapons like pallet guns on the peaceful protesters. The AJK Prime Minister said that women and children are also not safe from Indian atrocities in

the held valley. He said Indian army is targeting civilian population on both sides of the Line of Control.

Originally published by NNI

## Mirwaiz, others detained in occupied Kashmir

ISLAMABAD :Hurriyat forum Chairman, Mirwaiz Umar Farooq and many other Hurriyat leaders in

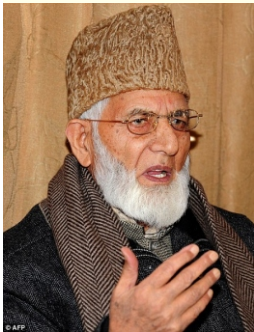


Indian occupied Kashmir, were detained by the Indian authorities in held Srinagar and other areas of

the territory. According to Kashmir Media Service, Mirwaiz Umar Farooq was scheduled to address a religious gathering at Dastgeer Sahab (RA) shrine at Khanyar in Srinagar. However, the authorities placed him under house arrest to prevent him from participating in the annual Urs of Sufi saint Syed, Abdul Qadir Jeelani (RA). The authorities also arrested Hurriyat leaders including Bilal Ahmad Siddiqui, Omar Aadil Dar, Molvi Bashir Irfani and Zafar Akbar Butt.

### **Health of Kashmiri detainees in Tihar jail worsening: Gilani**

ISLAMABAD :Chairman of All Parties Hurriyat



Conference, Syed Ali Gilani, in Indian occupied Kashmir, has expressed serious concern over the deteriorating health condition of Kashmiri detainees in Delhi's Tihar Jail. According to Kashmir Media Service, Syed Ali

Gilani in a statement issued in Srinagar demanded that all the Kashmiri prisoners lodged in various Indian jails should be shifted to the Kashmir. "Zahoor Ahmad Watali is seriously ill and those other lodged in Tihar Jail, including Altaf Ahmed Shah, Peer Saifullah, Ayaz Akbar, Raja Meraj-ud-Din Kalwal, Shahid-ul-Islam, Farooq Ahmad Dar, Nayeem Ahmad Khan, Kamran Yousuf and Shahid Yousuf are meted out ill-treatment and in absence of proper medical care their health condition is worsening with every passing day," he said. Gilani appealed to the Amnesty International, Asia Watch and other international organisations for human rights to take cognizance of the plight of these detainees and use influence for their release. "If any untoward happens to any of these detainees, Indian government and puppet rulers shall have to face the consequences," he said, adding that "NIA has failed to produce any substantial proof against those arrested in Kashmir." "However, through its biased media the NIA declared verdict even before they were arrested. They are being kept among notorious criminals in Tihar Jail and are facing threats from criminals. They are

political prisoners and suffering because of political vendetta. The move is an attempt to pressurize and intimidate resistance leadership," he said. Meanwhile, Gilani condemned the continued detention of resistance leaders including Masarrat Aalam Butt, Aasiya Andrabi, Dr Muhammad Qasim Fakhtoo, Dr Muhammad Shafi Shariati, Ghulam Muhammad Khan Sopori, Ameer Hamza Shah, Mir Hafiz Ullah, Muhammad Yusuf Falahi, Abdul Gani Butt, Muhammad Yusuf Lone, Muhammad Sha'ban Dar, Raies Ahmad Mir, Muhammad Yusuf Mir, Abdul Ahad Para, Muhammad Rafiq Ganie, Fehmeda Sofi, Omar Adil Dar, Mudasar Nadvi, Abdul Ahad, Ghulam Qadir Butt, Muhammad Sha'ban Khan and Salman Yusuf, Shakil Ahmad Yattoo, Manzoor Ahmad Kaloo, Haji Muhammad Rustum and Sarjan Barkati.

### **Mirwaiz-led Hurriyat brings out Human Rights Report 2017**

In its Annual Human Rights Report for 2017, the Mirwaiz Umar Farooq-led Hurriyat Conference on Saturday said that a total of 391 persons died in "violent incidents" this year in Kashmir. "Out of 391 persons, 97 were civilians, 81 of armed forces and police personnel, and 212 militants, while killing of one counter-insurgent was also reported," said the 15-page report. The report claimed that the graph of killings in 2017 showed a slight upward trend as compared to 2016, which witnessed 389 killings. "In 2017, the killing of human beings, incidents of violence, border firings and curbs on public movement in Kashmir went on through the year. Imposition of curfew, restrictions on people's movement, freezing of internet services, people's protest and forces' action, people getting killed and injured, use of lethal weapons by the government forces as crowd control measure, like in previous years remained unchanged," the report said. Of the 97 civilians killed, the report said that 36 persons were killed in forces' action, one of them in a fake encounter. "Twenty-nine persons (including eight Amaranth Pilgrims) have been killed by unidentified gunmen," the report said. "Seven persons were killed due to grenade blast attacks. Eight persons were killed in cross-firing incidents between forces and militants. Nine civilians were killed in firing or

shelling between Indian and Pakistani troops. Four persons working as bank guards lost their lives during attacks on bank vans by unidentified gunmen. One person reportedly died due to heart attack while running for safety during clashes. One person died due to petrol bomb attack. One person allegedly died due to suffocation caused by the tear smoke shells. At the same time one person lost his life due to stone injury during a stone-pelting/throwing incident.” The report said that among 81 police and armed forces' personnel killed in 2017, “one police official was lynched by an unruly mob, five were killed during an attack on a bank van, whereas killing of a few forces' personnel who were on leave was also reported.” The report said that on February 21, 2017, Wasim Ahmad Thokur, s/o Haji Mushtaq Ahmad Thokur of Schuch village of Kulgam, who had sustained multiple pellet injuries during the 2016 uprising, allegedly died due to the injuries. “According to the family and locals, death was triggered by pellet injuries the victim had sustained in September 2016,” the report said.

### **Crackdowns, arrest spree widely condemned in IOK**

Srinagar: In occupied Kashmir, the All Parties Hurriyat Conference, Mirwaiz-led Hurriyat forum and other pro-freedom leaders and organizations have condemned the ongoing arrest spree in the territory ahead of India's Republic Day (26th January). An APHC spokesman in a statement issued in Srinagar termed the arrest and harassment of Hurriyat leaders and activists as the worst form of state terrorism. “This is martial law like situation, as authorities are not allowing us to carry out political activities,” he said. The spokesman said, Syed Ali Gilani continues to be under house detention for the last several years, while other Hurriyat leaders including Muhammad Yasin Malik, Muhammad Ashraf Sehrai, Bilal Siddiqi, Hilal Ahmed War, Shah Wali Muhammad, Ghulam Ahmed Gulzar, Muhammad Yasin Attai, Imtiyaz Haider, Omar Aadil Dar and Aashiq Husain Narchhor have been either detained or placed under house arrest to prevent them from leading anti-India demos on the Indian Republic Day. Besides several youth, the APHC

said, Shabbir Ahmed Shah, Masarrat Aalam Butt, Dr Muhammad Shafi Shariati, Dr Muhammad Qasim Fakh too, Ghulam Qadir Butt, Dr Ghulam Muhammad Butt, Altaf Ahmed Shah, Ayaz Akbar, Peer Saifullah, Merajuddin Kalwal, Nayeem Ahmed Khan, Farooq Ahmed Dar, Shahid-ul-Islam, Zahoor Ahmed Watali, Kamran Yousuf, Javaid Ahmed, Ghulam Muhammad Khan Sopori, Muhammad Yousuf Mir, Muhammad Ramzan Khan, Maulana Sarjan Barkati and Amir Hamza Shah are languishing in different jails since long. The spokesman also decried the continued illegal detention of Hurriyat leaders and activists including Muhammad Yousaf Falahi, Mir Hafeezullah, Muhammad Rafiq Ganai, Farooq Tawheedi, Muhammad Yousuf Lone, Abdul Ahad Parra, Shakeel Ahmad Yatoo, Nisar Ahmed Najar, Javaid Ahmed Phule, Muhammad Amin Ahangar, Muhammad Amin Parrey, Latif Ahmed Dar, Mufti Abdul Ahad, Shakeel Ahmed Butt, Muhammad Ashraf Malik, Mansoor Ahmed Kaloo, Muhammad Subhan Wani, Hakim-ur-Rehman, Shabbir Ahmed Mir, Muhammad Sultan Sofi, Ghulam Nabi Gujri, Abdul Majeed, Abdul Ghani Butt, Raies Ahmed Mir, Gowher Ahmed Sheikh, Muhammad Rajab Butt, Danish Mushtaq, Abdul Hameed Parrey, Meraj-ud-Din Niako, Abdul Rashid Rathar, Shariq Maqbool, Hakim Showkat Ahmed, Sajjad Ahmed, Asadullah Parrey, Hilal Ahmed Pala and Abdul Samad Inqilabi. The spokesman for the forum led by Mirwaiz Umar Farooq in a statement said, there is hardly any corner or a village in south and north Kashmir where people are not harassed during the fresh wave of terror unleashed by the Indian forces. He said that more than 40 residential houses were vandalized by the forces' personnel during frequent raids and search operations in Kulgam, Pulwama and other parts of the territory. The spokesman also condemned the raid on a madrasa in Sopore and harassment of teachers and students. He also denounced the arrest of Hurriyat leader, Mukhtar Ahmed Waza. The President of Jammu and Kashmir Muslim Conference (JKMC), Muhammad Sultan Magray, in a statement issued in Srinagar also condemned crackdowns and nocturnal raids

throughout the Kashmir Valley. He said that people especially patients were facing difficulty due to the ongoing search operations in the territory. KMS

### **India's ED has nothing to prove against shabbir shah: DFP**

Srinagar, January 05 (KMS): In occupied Kashmir, the Jammu and Kashmir Democratic Freedom Party (DFP) has said that India's Enforcement Directorate



(ED) has nothing to prove against its party Chairman, Shabbir Ahmed Shah.

The DFP in a statement issued in Srinagar said that Shabbir Ahmed Shah was not produced before a Delhi court. It said that the judge of

Patiala House Court waited for the whole day but the ED did not produce Shabbir Shah before him. For hours the ED kept telling the court that Shabbir Shah will be produced through video conferencing but finally the agency came with an excuse of faulty camera, it added.

The statement said that Shabbir Shah should be released forthwith till the accusations against him are proved but the Indian authorities were not only prolonging his detention but also skipping the courts proceedings.

### **India never serious about addressing Kashmir dispute: Aasiya**

Srinagar: The Chairperson of Dukhtaran-e-Millat, Aasiya Andrabi has said that Indian rulers have never been serious about addressing the lingering Kashmir dispute. Aasiya Andrabi in a media interview in Srinagar said that the people of Kashmir had given unprecedented sacrifices for the Kashmir

cause, and these sacrifices would not be allowed go waste. To a question she said India is responsible for prevailing economic condition of the territory. "The Indian rulers want to destroy our economy. India is looting all our resources. Tax regimes like the Goods and Services Tax have badly affected our businesses. I don't think shutdown calls affect our businesses, it's the restrictions and curfews imposed by the puppet authorities," she added. Aasiya



Andrabi said, "If we want to achieve anything, we have to give sacrifices. And our armed struggle should be strong so that it destroys India's political writ in occupied Kashmir." To another question the DeM Chairperson said the raids by the Indian investigation agency on the resistance leadership and propaganda by the Indian media has had some effects on people. India is not their well-wisher, she said. She said people of Kashmir have largely boycotted sham elections and even those who have participated in them do not accept India as their country. "They participate to address local issues but unfortunately India presents their participation as a referendum on the Kashmir dispute. Even at the time of voting, you can people clearly saying that they are voting for bijli, sadak, pani etc. To yet another query, Aasiya Andrabi said his husband, Dr Muhammad Qasim Fakhtoo has been in prison for the last 25 years. "I have been married for 27 years and I spent just two years with my husband. It is tough living without your husband. It would be for any woman.

KMS

## FUNDAMENTAL RIGHTS PROVIDED IN THE AZAD JAMMU AND KASHMIR INTERIM CONSTITUTION ACT 1974 (ACT VIII OF 1974)

### 4. Fundamental Rights.

- (1) Any law or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this section, shall, to the extent of such inconsistency, be void.
- (2) No law shall be made which takes away or abridges the rights so conferred and any law made in contravention of this sub-section shall, to the extent of such contravention, be void.
- (3) The provisions of this section shall not apply to any law relating to the members of the defence services or of the forces charged with the maintenance of public order for the purpose of ensuring proper discharge of their duties or the maintenance of discipline among them.

### (4) The Rights:

**1. Security of person.** - No person shall be deprived of life or liberty save in accordance with law.

### **2. Safeguard as to arrest and detention.**

- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall be denied the right to consult and be defended by a legal practitioner of his choice.
- (2) Every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.
- (3) Nothing in sub-paragraphs (1) and (2) shall apply to any person (a) who for the time being is an enemy alien, or (b) who is arrested or detained under any law providing for preventive detention.
- (4) No law providing for preventive detention shall authorize the detention of a person for a period exceeding three months unless the Review Board set up by the Government has reported before the expiration of the said period of three months that there is, in its opinion, sufficient cause for such detention.

- (5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order. Provided that the authority making any such order may refuse to disclose facts which such authority consider it to be against the public interest to disclose.

### **3. Slavery and forced labour prohibited.**

- (1) No person shall be held in slavery, and no law shall permit or, in any way, facilitate the introduction into Azad Jammu and Kashmir of slavery in any form.
- (2) All forms of forced labour are prohibited.
- (3) Nothing in this paragraph shall be deemed to affect compulsory service
  - (a) by persons undergoing punishment for offence against any law; or
  - (b) required by any law for a public purpose.

### **4. Protection against retrospective punishment.**

No law shall authorize the punishment of a person

- (a) for an act or omission that was not punishable by law at the time of the act or omission; or
- (b) for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.

**5. Freedom of movement.** - Subject to any reasonable restrictions imposed by law in the public interest, every State Subject shall have the right to move freely throughout Azad Jammu and Kashmir territory and to reside and settle in any part thereof.

**6. Freedom of assembly.** - Every State Subject shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.

### **7. Freedom of association.**

- (1) Subject to this Act, every State Subject shall have the right to form association or unions,

subject to any reasonable restrictions imposed by law in the interest of morality or public order.

(2) No person or political party in Azad Jammu and Kashmir shall be permitted to propagate against, or take part in activities prejudicial or detrimental to, the ideology of the State's accession to Pakistan.

#### **8. Freedom of trade, business or profession.-**

Every State Subject possessing such qualifications, if any, as may be prescribed by law in relation to his profession or occupation shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business. Provided that nothing in this paragraph shall prevent

- (a) the regulation of any trade or profession by a licensing system; or
- (b) the regulation of trade, commerce or industry in the interest of free competition therein; or
- (c) the carrying on, by Government or Council, or by a corporation controlled by Government or the Council, of any trade, business, industry or service, to the exclusion, complete or partial, or other persons.

**9. Freedom of speech.** - Every State Subject shall have the right to freedom of speech and expression, subject to any reasonable restrictions imposed by the law in the interest of the security of Azad Jammu and Kashmir, friendly relations with Pakistan, public order, decency or morality, or in relation to contempt of Court, defamation or incitement to an offence.

**10. Freedom of religion.-** Subject to law, public order and morality

- (a) every State Subject has the right to profess and practice his religion; and
- (b) every religious denomination and every sect thereof has the right to establish, maintain and manage its places of worship: Provided that nothing contained in sub-paragraphs (a) and (b) shall be so construed as to abridge the authority to promulgate laws which may prescribe prohibition or penalty for conversion from Islam or the act of converting or the attempt of converting a Muslim to some other religion.

#### **11. Safeguard against taxation purposes of any**

**particular religion.** - No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.

#### **12. Safeguard as to educational institutions in respect of religion etc. -**

(1) No person attending any educational institution shall be required to receive religious instructions or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.

(2) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination.

(3) No State Subject shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.

(4) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

(5) Every religious community or denomination shall have the right to establish and maintain educational institutions of its own choice, and the Government shall not deny recognition to any such institution on the ground only that the management of such institution vests in that community or denomination.

(6) Nothing in this paragraph shall prevent any public authority from making provision for the advancement of any society or educationally backward class of State Subjects.

**13. Provision as to property.** - Subject to any reasonable restrictions imposed by law in the public interest, every State Subject shall have the right to acquire, hold and dispose of property.

#### **14. Protection of property. -**

(1) No person shall be deprived of his property save in accordance with law.

(2) No property shall be compulsorily acquired

Or taken possession of save for a public purpose, and save by the authority of law which provides for compensation thereof and either fixes the amount of compensation or specifies the principles on which and the manner in which compensation is to be determined and given.

(3) Nothing in this paragraph shall affect the validity of (a) any law permitting the compulsory acquisition or taking possession of any property for preventing danger to life, property or public health; or (b) any law relating to the acquisition, administration or disposal of any property which is or is deemed to be evacuee property under any law; or (c) any law permitting the taking over of any property which has been acquired by, or come into the possession of, any person by any unfair means, or in any manner, contrary to law; or (d) any law providing for the taking over of the management of any property by the Government for a limited period, either in the public interest or in order to secure the proper management of property, or for the benefit of its owner; or (e) any law providing for the acquisition of any class of property for the purpose of (i) providing education and medical aid to all or any specified class of State Subjects; or (ii) providing housing and public facilities and service such as roads, water supply, sewerage, gas and electric power to all or any specified class of State Subjects; or (iii) providing maintenance to those who, on

account of unemployment, sickness, infirmity or old age, are unable to maintain themselves; or (f) any law in force immediately before the coming into force of this Act. **Explanation:** In sub-paragraph (2) and (3), 'property' shall mean immovable property, or any commercial or industrial undertaking or any interest in any undertaking.

**15. Equality of State Subjects.-** All state subjects are equal before law and are entitled to equal protection of law.

**16. Non-discrimination in respect of access to public places.-** In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any State Subject on the ground only of race, religion, caste, sex or place of birth, but nothing herein shall be deemed to prevent the making of any special provision for women.

**17. Safeguard against discrimination in services.-** No State Subject otherwise qualified for appointment in the services of Azad Jammu and Kashmir shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste or sex: Provided that, in the interest of the said service, specified posts or services may be reserved for members of either sex.

**18. Abolition of untouchability.-** Untouchability is abolished, and its practice in any form is forbidden and shall be declared by law to be an offence.

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### Jan 1989 to Jan 31, 2018

Total Killings *	94,906
Custodial Killings	7,099
Civilians Arrested	143,185
Structures Arsoned/Destroyed	108,658
Women Widowed	22,864
Children Orphaned	107,686
Women gang-raped / Molested	11,042
Compiled by : Kashmir Media Service	



**Muzaffarabad: Prime Minister AJ&K Raja Farooq Haider Khan & other speakers addressing to a conference on Self-Determination Day**



**Prime Minister AJ&K leading to Public Rally Right to Self-Determination Day.**



**Meeting of delegation from IOK with Prime Minister AJ&K Raja Farooq Haider Khan.**



**Member AJ&K Legislative Assembly Dr. Mustafa Bashir and other speakers addressing to public rally on Black Day.**



**Bagh : Director JKLC Raja Muhammad Sajjad Khan , Prof. Figar Ahmed and other speakers addressing to Intra University Speech Competition in Women University Bagh AJK**



**Mirpur : Director JKLC Raja Muhammad Sajjad Khan and other speakers addressing to Intra University Speech Competition in MUST AJK**



**Kotli : Vice Chancellor University of Kotli Dr. Dilnawaz Gardezi, Director JKLC Raja Muhammad Sajjad Khan and other speakers addressing to Intra University Speech Competition in Kotli University**



SIR, IT IS WORKING  
PERFECTLY. THEY ARE  
TRAUMATIZED AND  
SCARED. THEIR  
BUSINESSES ARE  
DOWN. AND THE BEST  
PART IS THEY ARE  
BEATING THEIR OWN.



February 2018

Monthly

# ***KASHMIR TODAY***

