

Four Point Musharraf Formula

Contributed by Editor
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Presumably Pakistani President General Pervez Musharraf's latest four point proposal on Kashmir also figured in these consultations. On the whole the initial cynicism and indifference with which the proposal was received in India gradually gave way to a positive response after Prime Minister's Amritsar statement in which he extended a general welcome to all new ideas on Kashmir. All the leaders of the state who met the Prime Minister and the Finance Minister favoured a positive response to Musharraf's proposal on the subject. In my meeting with the Prime Minister, I discussed the implications of all the four points in Musharraf's proposal. I hold the view that instead of hailing or dismissing the proposal, it deserves serious examination. While Pakistan owes clarifications and explanations on a number of counts, India need not take the onus of breaking the dialogue process.

First Point

Musharraf's first point defined the state as comprising five regions, two on the Pakistan side viz. "Azad Jammu and Kashmir" and Northern Areas and three on the Indian side viz. Kashmir, Jammu and Ladakh.

Two years ago, the General had proposed a seven region state whose status would be changed to make it independent or put it under joint control. Musharraf's seven regions included two in the Pakistan and five in Indian part of the state. The only way the Indian part could have five regions was if its already well-defined regions—Jammu, Kashmir and Ladakh—were further divided. The basis of this division could only have been religion.

The US State Department hailed Musharraf's earlier as well as the new proposal, without bothering to understand the difference between the two proposals. The vital difference is that the former proposal was based on religious identities which defied ground realities. A solution of Kashmir on religious basis was unacceptable to India as it would threaten not only the secular basis of India but also the unique Kashmiri identity, and peace in the subcontinent.

That Musharraf has realised this reality and given up his definition of the state as made up of seven regions in favour of five ethnic regions and ruled out independence for the state or a part of it should, therefore, be welcome.

Second Point

The second point that relates to self-government of the two parts of the state, and the regions therein, also deserves serious consideration. It has been subjected to varying interpretations by different parties. Musharraf does not mind if it is called autonomy of the two parts on either side of the LoC within their respective countries, and regions within the two states or by some other name. If self-government, self-rule or autonomy means a government elected by and responsible to the respective people, one cannot object to it. Already one of the working groups, setup after the second round table conference at Srinagar, is entrusted with the job of working out centre-state and state-region relations. Irrespective of final agreement with Pakistan, India cannot ignore the internal problems confronting the people of the state.

In fact, the proposal would create far more formidable problems for the two regions of the Pakistan administered part of the state. The "AJK" is constitutionally not a part of Pakistan. It is also neither independent nor autonomous. The election laws and the final authority of the Federal ministry of Kashmir Affairs, hardly allow the people to elect the government of their choice. The situation in Northern Areas is far worse. It is neither a full part of Pakistan nor a separate state. It does not have a legislature nor do its citizens have a right to vote for the federal legislature.

Two Final Points

The real bone of contention could be the other two points. One regarding demilitarisation and the other about joint management. How much Indian army should remain within the state would primarily depend on its threat perception. The threat is certainly not from Pakistan as such but from militants across the LoC. There are some militant groups like Lashkar-e-Tayyeba and Jaish-e-Mohammad which apparently are not under ISI control. They not only treat India as their enemy but also pose a threat to Pakistan. The most important militant group viz. Hizb-ul-Mujahideen was originally sponsored by the ISI. Lately it has expressed its displeasure with Musharraf's Kashmir policy. Its chief, and president of the United Jihad Council, Syed Sallahuddin, has clearly stated that Pakistan government's offer to associate with the Indian agencies to jointly monitor terrorist activities in Pakistan which are directed against India does not cover Pak Administered Kashmir and its operations in Indian Kashmir. More specifically Yousef Nasim, covenor of the Hurriyat Conference in AJK (Pak administered part of the state) quoted the Pakistani Foreign Secretary as saying that the intelligence on terrorism to be shared under the Indo-Pak Agreement will not cover the Kashmiri freedom movement. Under these circumstances the Indian forces would be hard pressed to withdraw from the state. The Indian Foreign Minister should take up this question with the Pakistan government.

Moreover, the practical measures that are being debated within the Indian part of the state include entrusting part of the military jobs to the state police, which also would provide employment to the local people. The strength of the state police (at the moment approximately 65,000) is proposed to be doubled. In addition there are 23,000 special police officers and 40,000 armed members of Village Defence Committees. This is just the beginning of the process of demilitarization. If the process is carried further and police takes over the functions of the army, would that be more welcome to the people? So far the evidence, in fact, shows that the police is less disciplined than the army. If the state get real autonomy, as consensus is veering round to the idea, an autonomous police state would have its own hazards. However, if Musharraf could persuade Hizb to enter into a dialogue with India on a cease-fire without pre-conditions, the proposal for real

demilitarisation and its various stages would be worth consideration.

Lastly, the proposal for a joint management of the state raises far more question than it answers. What would be the machinery to take up this task? What subjects it would deal with? Would it encroach upon the subjects that the two sovereign countries are dealing with or would these subjects be entrusted to the states on the two sides of the LoC? How would it enforce its decisions? According to Prime Minister of PAK Attique Ahmad Khan, "the concept of joint management need not be defined at this stage as that could create obstacles in the process". He said "these concepts would acquire clarity as the process continued". To start with, at proper time, a purely advisory body, comprising representatives of the two national governments and two parts of the state on either side of the LoC and regions therein could be considered to share information and give advice on subjects like environment, trade, cultural exchanges and travel across LoC.

This is akin to the North Ireland formula which has enthused Umar Farooq so much after his recent visit there.

Whatever be the political, diplomatic or tempramental compulsions of Musharraf in throwing, off and on, ideas off the cuff through the media, Indian response need not be instant euphoria or outright condemnation.

Human Rights Abuses Other Than Those by Militants and Security Forces

The entire Human Rights

movement in J&K has been

concentrated on excesses of the security forces or of the militants. I was the pioneer in highlighting this aspect of the Human Rights in the early 1990s when militancy erupted in the state and the main culprits were the security forces. Ever since I have been monitoring and commenting on violations by both militants and the security forces.

Here, however, I dwell on many other Human Rights of the people which have been trampled upon in J&K state. It is time we paid attention to the plight of, say, orphans, widows, handicapped, weaker sections, displaced persons, juvenile delinquents, under trials waiting for justice in jails for long years, children without schooling facilities, far off places without dispensaries and without medical staff and medicines, women and old. This list is in no sense exhaustive.

A detailed discussion on the state of Human Rights in each such case is hardly possible. Some cases are taken here for illustration.

The National Human Rights Commission has no legal jurisdiction over the J&K State; to protect the latter's autonomy. But this autonomy gives more power to government than to the people. For instance, the Deputy Commissioners and Superintendents of the Police in all districts of the country are required to report to the NHRC cases of custodial deaths within 24 hours except those in J&K. Why should this not be the case here as well?

The State Human Rights Commission is toothless. It has no investigative machinery. In the beginning services of an IGP were provided to it, which is no more the case. The members are appointed by the government disregarding the provision of the law. It's reports are not implemented but are sent to the Deputy Commissioners for further investigations. Nor are its reports presented regularly in the assembly. The SHRC law and practice should, at least, be at par with those in other states.

Most of the other states have amended Prisons acts to meet demands of the modern times. J&K is still governed by the archaic Prisons Act of 1920 and does not even implement some of its humane provisions. I have filed a petition in the State High Court to implement a provision of J&K State Prison Act of 1897 under which the government was required to appoint non-official visitors to jails, who could periodically meet the prisoners and listen to their grievances "not in the hearing distance of the jail authorities." The petition is still pending. Why what was good under autocratic rule ceases to be so in what is called a democratic regime?

General physical condition of the jails, for example, their overcrowding has been completely neglected. Jail is supposed to be a reformatory. In some states, experiments have been made, with conspicuous success, to provide opportunities to prisoners to do social work; so that when they are released, they are socially useful citizens. In J&K, prisoners convicted of all sorts of crimes are put together so that even a petty criminal is kept with hardened criminals. Even juvenile delinquents and women prisoners do not have separate jails. Under law, special courts should be established to try children and they should be put in Bal Bhavans. Similarly, women prisoners ought to be put in women homes like Nari Niketans.

The fate of the undertrials leaves much to be desired. Some of them are in jail for a much longer period than the sentence provided in law for the crimes which they have allegedly committed.

Rights of children and women, particularly of orphans and widows need special attention. The word orphanage should be replaced by a name which does not constantly remind them of their condition and gives dignity to the inmates. Besides opening children homes to accommodate all such children and meeting their basic needs, a practice of enlisting the support of enlightened citizens should be explored who agree to be their foster parents. They may visit their adopted children occasionally and invite them to their homes on festivals like Idd and Diwali. Similar experiments may be tried for homes for aged, who preferably should be called senior citizens, where some are "adopted" by younger people. Children and senior citizens need love and respect as much as a shetter.

Education and health should be treated as Fundamental Rights. Every child should have access to a school within a walking distance. There are schools without building or staff. In some places teachers have sublet their jobs. Compulsory and free Education Law needs to be strictly enforced. The scheme for mid-day meals which provides incentive to poor people to send their children to schools and for which central grants are available has not been properly applied to the state.

The same is true about health facilities. Doctors, particularly specialists, are reluctant to go to rural areas. Compulsory rural service should be a pre-condition for awarding medical degrees. Teams of specialists should also be regularly sent there. The facilities of some specialities like psychartist diseases and treatment of trauma cases, particularly in accident

prone areas, should be expanded to meet their growing need.

Specialised facilities for handicapped are far from adequate. They should be treated as equal citizens and given education according to their needs so that they can compete with able-bodied people of all walks of life.

Far from taking adequate steps for women empowerment, it is extremely regrettable that the Women Commission has been headless for the last four years. Special police cells, courts and free legal aid should be provided to implement laws like Domestic Violence Act and Dowry Act and Right to Equality in every field.

Then there is problem of displaced persons of various categories—1947 refugees from West Pakistan and PAK, 1965 and 1971 wars refugees, persons displaced from border and militancy infested areas like Rajouri, Poonch and Doda and the post-1989 Kashmiri Pandits migrants. Each category has its peculiar problems and should no longer be neglected.

That the Right to Information Act is almost a non-starter is another flaw in the Human Rights situation in the state. In the rest of the country, the act provides appointment of RTI Commission which gives guidance to the applicants, follows every application with the concerned department and is empowered to take action against delayed response. Since J&K State has no such provision the RTI is virtually ineffective.

Finally, socio-economic condition of weaker sections, including SC/ST need special attention.

The question of ending Human Rights violations should cover problems mentioned above and need not wait till militancy ends or the Kashmir problem is finally resolved.

A Visit to Mirpuri Diaspora

A brief visit to the Mirpuri diaspora
in Britain confirmed my belief

that ethnic and linguistic identities bring people of diverse religious and national communities closer together. Migrants from Mirpur town of "Azad Jammu and Kashmir" mostly settled in Birmingham and Bradford, constitute two-thirds of Britain's Pakistani population and their remittances are the major source of Pakistan's foreign exchange earnings.

My visit, though not planned in advance, was emotionally satisfying and educationally rewarding. Apart from the fact that I have campaigned for recognition of all diversities of the state, which could have been its greatest asset; I have close personal contacts with the leaders of "AJK", in general, and Mirpur, in particular, starting from 1947 when I started a weekly newspaper.

Mirpur was one of the few spots in Jammu region where the National Conference led by Sheikh Abdullah had some hold. It produced some stalwarts of the freedom movement, including Raja Mohammad Akbar Khan, Haji Wahabuddin, Mahatma Budh Singh, Chaudhary Mohammad Shaffi and Abdul Khaliq Ansari.

However, I did not imagine that the descendants and followers of these leaders would remember me and shower so much affection and respect on me.

One of the highlights of my visit to Birmingham was meeting with eminent Urdu writer Prof Mehmud Hashmi. Though old and in a wheeled chair, his warmth and affection were touching. He nostalgically recalled how both of us on a goodwill tour to the riot-affected Reasi, parted company as he was kidnapped and taken captive by militants across the River Chenab where he had gone ahead of me as advance party.

Besides reviving emotional ties with the Mirpuri community my visit to Mirpur town last year and recently to Mirpuri diaspora in the UK, gave me an opportunity to relearn its urges and beliefs.

When Srinagar-Muzaffarabad bus service was started two years ago, I received an email from members of the Mirpuri Diaspora that they had formed a Mirpur-Jammu bus service committee which would campaign for opening this route for Mirpuris in both sides of the LoC to meet one another. They were far more keen to meet Hindu and Sikh Mirpuri refugees who migrated from Mirpur and settled in Jammu in 1947 than to meet Muslims living in the Kashmir valley. A similar committee was formed in Jammu and later in Mirpur when I visited there.

This time everybody I met in Birmingham and Bradford insisted that he was not a Pakistani and resented the fact that the entire community is defined as Pakistanis. Their self-definition was that they were non-Koshur (non-Kashmiri speaking) Kashmiris i.e. citizens of the Kashmir state, the erstwhile undivided state. Administratively and culturally they were part of Jammu division. Their linguistic identity was Pahari of which Mirpuri was a dialect. Non-recognition of their real identity—and being treated as Pakistanis—by British, Indian and Pakistani governments was a sore point with all of them.

The Mirpuri Diaspora in the United Kingdom has set up a TV Channel called Apna Channel. I gave two fifty-minute long interviews. On my way to London, I stopped at Manchester to meet Prof Roger Ballard of the Manchester University whose academic work is primarily on Mirpuris both in Britain and "AJK". He gave me the copies of some of his latest research. In one of his studies essays Prof. Ballard observes:

Given their reasonable view that Pakistan has not only overlooked their interests, environmental resources and their hard earned financial assets, their self-definition as Kashmiris and not as Pakistanis, provides Mirpuris with a powerful means of both expressing and legitimizing their grievances. Hence, there is a great deal of enthusiastic support both within the district itself—and even more so amongst the overseas Mirpuris diaspora—for the prospect of a Kashmir which is truly Azad. "Kashmir Zindabad, Pakistan Murdabad", they cry with great enthusiasm.

However, one wishes that such negative slogans would give way to a situation in which Mirpuris become a bridge between India and Pakistan; a task for which they are ideally equipped.

Human Rights Update

Incidents of human rights violations given below are such specimen in which victims are innocent civilians, whosoever be responsible for the violations.

Two ultras, girl among 5 killed

Villagers hack militant to death in Mendhar

JAMMU, Dec 15: Taking cudgels against militants, local people of village Chandiyal in Mendhar tehsil of Poonch district hacked to death an Al-Badr militant of Pakistan after he along with his associate kidnapped a young girl from her house. The second militant, however, gunned down the girl before fleeing from the spot.

IGP Jammu Dr Shesh Pal Vaid said a Pakistani militant Ishtiyag of Al Badr was killed by the villagers at Chandiyal last night. This was an encouraging sign and a clear indication that people were coming forwards boldly against the militants, he added.

Official reports said two militants entered into the house of Mohd Misri at village Chandiyal in Sangiot area under the jurisdiction of Gursai police station in Mendhar tehsil last night and kidnapped his young daughter Gulshan Bano.

Bano's brother Bablu sounded the neighbours as the militants left their house. A number of people carrying rods and 'kulharas' chased the militants and intercepted them nearly half a kilometer from the house of Misri.

People caught hold of one of the militant and hacked him to death. His associated, while fleeing to survive wrath of the angry villagers, fired upon Gulshan Bano killing her on spot. The second militant managed to escape under the cover of darkness.

Villagers also snatched one AK-56 rifle, one pistol, a radio set and ammunition from the slain militant.

Slain militant has been identified as Ishtiyag, an activist of Al-Badr outfit. Security forces have launched a search operation to eliminate the militant, who escaped from the village.

Official sources said this was after a long time that the villagers boldly faced the militants and killed one of them without fearing for their lives as both ultras were equipped with AK rifles.

Sources said names of the villagers, who killed the militant, are being recommended for cash reward. Some of them are likely to be recruited as Special Police Officers (SPOs) and Village Defence Committee (VDC) members, they added.

Body of Gulshan Bano was buried this evening after post-mortem. A large number of local people and officials joined her burial. Reports said strong resentment prevailed among the villagers over the killing of young girl by the militants.

Meanwhile, jawans of BSF's 52 battalion noticed two exfiltrators trying to breach fencing to cross over to Pakistan from Arnia sector last night. As the exfiltrators didn't stop even after being challenged, they were gunned down by the security personnel.

Bodies of the jawans were recovered this morning from the fencing. Both of them were Bangladeshis. Some currency was recovered from their possession.

SSP Border Rajinder Gupta visited the spot and sent the bodies for post-mortem. Identity of slain Bangladeshis has not been established so far.

Militants snatched a .303 rifle from a VDC member and beat-up his family at village Jaglanu in Rajouri district last night.

Three militants entered into the house of Mohd Sadiq at Jaglanu and beat-up his daughter Sabina and son Arif. They escaped along with .303 rifle of the VDC member.

(Daily Excelsior, Dec 16, 2006)

60 detainees, 15 cops injured in Jail clashes

Police teargassing, lathicharge on stone-pelting prison inmates

JAMMU, Dec 17: Nearly 60 detainees and 15 jawans of CRPF and JKP were injured in clashes between hundreds of prisoners and security forces at high security Kot Bhalwal jail on the outskirts of winter capital near here today after jail administration tried to "restore" discipline in the campus.

Three of the detainees sustained critical injuries in the day-long battle, said official sources.

However, DG Prisons MK Mohanty claimed that only 15 jawans and 21 detainees were injured in the day-long battle inside the high security jail with two critically injured detainees hospitalised in Government Medical College (GMC) Hospital here this evening.

Mohanty even identified two critically injured detainees as Ghulam Hassan Qamar of Shah Nagri Kupwara and Omar Din-a Pakistani.

Armed with machettes, iron rods, GI pipes, glass bottles, hot water bottles, cricket bats, wickets, inmates-who had also dumped around 35 LPG laden cylinders on the roof tops of barracks threatening to blow up the Kot Bhalwal prison pelted stones, bricks, and other objects at security forces, protesting what they called intrusive searches and restrictions on their movements, said official sources.

There are about 400 inmates, mostly people convicted of offences such as militancy and murder, at Kot Bhalwal prison.

Sources said, some prisoners were seen with 35 gas cylinders on the roof of the prison, trying to ward off the security forces threatening to blow up the entire premises after some of them lit a pile of wood.

"This morning they had come out prepared with iron rods, sticks and stones," said a prison official, who did not want to be named. "We were taken by surprise."

Around 900 policemen and paramilitary forces, who guard the prison complex, baton-charged the inmates and when additional reinforcement arrived nearly 100 teargas shells were fired to quell the violence inside the prison, which of late has become more of a ring (Akhara) than a jail, said sources.

Sources said, an additional 500 armed troops were called in to bring the situation under control.

The prison had witnessed several skirmishes between local and foreign inmates in recent years but authorities moved most of foreign inmates to other prisons in October this year.

"The situation is still tense but under control", said a jail official pleading anonymity.

Sources said, though the inmates had been on protest for the last three days but trouble erupted when searches for confiscating weapons and other illegal material were started this morning at around 9.30 AM.

"However, the root cause of mayhem was shifting of four detainees from this prison to a Rajasthan jail on December 15," said an official admitting that since then resentment had been brewing among other inmates, adding "searches of the premises added fuel to the fire today".

Sources said, trouble started when searches to confiscate weapons and other incriminating material besides objects not permissible under jail manual were launched.

Protesting the move detainees broke walls of barracks and even an iron gate and climbed up on roof top after bolting and blocking the doors with heavy objects, said sources, adding they carried around 35 LPG cylinders, sticks, machettes, iron rods, GI pipes, cricket bats, stones, bricks and wickets launching an offensive on search party accompanied with a strong posse of police force.

Sources said, detainees used the objects as missiles targeting the search party. They even threw hot water on police and CRPF jawans to resist the move.

Shouting slogans like "Pakistan Zindabad" and against excesses, some of them held black flags as a mark of protest.

"Situation went out of control after foreign detainees pelted stones and hot water bottles on security personnel in a bid to prevent police and CRPF men from entering the barracks to search for objectionable material like weapons, SIM cards and other things," said an official.

The inmates, who were unhappy over the search, broke water pipes, boiled water in kitchens, gathered bottles and stones and went to the rooftop breaking all cordons, sources said.

When police and CRPF accompanied by Additional District Magistrate Jammu entered the jail to check as to how bottles, stones, iron rods and other objectionable material were gathered in barracks by the detainees, the prisoners threw bottles of boiling water and stones at the security personnel.

As the situation worsened and baton charge failed to quell the violence, police fired nearly 100 teargas shells and managed to segregate and force the detainees to return to their barracks, they said.

In the teargas shelling and stone pelting 60 detainees and 15 jawans of CRPF and JKP suffered injuries, said sources, adding at least three detainees sustained critical injuries.

"The CID wing of state police had busted a communication network in this jail recently and recovered two SIM cards and mobile phones from a criminal and a Pakistani detainee last month," sources added.

Jammu Police IG, SP Vaid said, "There were reports of incriminating material inside the jail. We conducted search. Minimum use of force was resorted. We want to search each and every barrack to recover all these things."

"However, inmates reacted by pelting stones and throwing boiling water at the security personnel from the rooftops," he added.

The Pakistani prisoners, also shouted slogans against the Jail superintendent and demanded a halt to the searches and stayed outside their barracks overnight.

As per intelligence reports, there are still 12 to 13 SIM cards and mobiles with the detainees.

The new jail administration had issued strict orders yesterday to improve discipline inside the jail premises.

Sources said, searches in the prison were carried out after DIG prison submitted its report to the home department indicating laxity on the part of jail authorities.

Trouble started this morning after jail authorities on December 15 shifted three Pakistani and one Afghani detainee to jails in Rajasthan and Punjab.

However, the ding-dong battle concluded at around 4 PM after nearly 1400 jawans from CRPF and police "tackled" the situation, added sources.

The jail inmates with flags in their hands and face covered with veil raised slogans against the jail superintendent Mirza Saleem Beig, and state establishment.

The heavy contingent of forces deployed in side the overpowered the jail inmates and locked them in their respective barracks and the entire operation concluded at around 4 PM, added sources.

It may be mentioned here that an ICRC team is going to visit Kot Bhalwal jail tomorrow.

To apprise the ICRC about the hardship, jail inmates refused to go into the lock-up last night and spent the night in open but under tight security by jail authorities, said sources.

Out of 21 inmates injured three have been identified as Abdul Aziz alias General Mussa Tufial Ahmad, resident of Varmul and Ghulam Hussan Qamar, son of Ghulam Ahmad of Shah Nagri Kupwara Srinagar and Qamar Din. (Kashmir Times, Dec 18, 2006)

76 army men punished for HR violations

SRINAGAR, Dec 16: Revealing that the Army has received clear instructions from the higher authorities to make the anti-insurgency operations people-friendly and minimize civilian losses during these operations, the General Officer Commanding (GOC) 15 Corps, Lt. Gen. A S Sekhon said on Saturday that 76 Army personnel were awarded punishment during the last couple of years after complaints of human rights violations against them.

"There have been cases of human rights violations and we have awarded punishment to 76 army personnel during the last couple of years after complaints of human rights violations against them. These punishments include dismissal from the services and rigorous punishments", the GoC said and revealed that Army has got clear-cut orders from the higher ups to make anti-insurgency operations people-friendly and minimize the civilian losses while fighting the militancy.

The General Officer Commanding (GOC) 15 Corps was talking to the media persons on the occasion of Vijay Diwas celebrations this morning. He claimed that Indian Army has the "best track record in the world and the forces in other countries like in our neighbour country use gunships and heavy artillery while fighting the militancy".

To deal with what the Army says "very isolated cases of suicides" among the ranks of army, the defence authorities have established Rest and recuperation Centre in the state where Yoga classes will be conducted apart from making 24-

hour helpline available for the stress-ridden soldiers to talk to the psychiatrist.

(Kashmir Times, Dec 17, 2006)

Slain Hizb chief's wife

shot at

Srinagar, Nov 29: Gunman shot at and wounded the wife of slain Hizbul Kujahideen chief commander (operations) Abdul Majid Dar, while the mutilated body of a woman was recovered even as the security forces seized a huge cache of arms and ammunition across Jammu and Kashmir during the past 24 hours, an official spokesman said today.

Meanwhile, two more families comprising 13 members, surrendered before troops immediately after their return from Pakistan-occupied Kashmir (PoK) at Tulanga in the Uri sector today.

The spokesman said unidentified gunman fired upon Dr Shameema Badroo, wife of slain Hizb chief commander, at her residence at Lal Nagar in the Channapora area here last evening.

She was rushed to Srinagar Maharaja Hari Singh (SMHS) Hospital here where doctors stated her condition as "very critical".

Dr Badroo, who worked with Children's Hospital and ran a non-government organisation in the name of her husband (Majid Dar Foundation), received two bullets in her abdomen and had been put on ventilator, the doctors said.

Dar was shot dead by gunmen at Sopore on March 23, 2003, a few years after he declared a unilateral ceasefire and initiated talks with the Centre on July 24, 2000. The truce was called off within 15 days on August 8, 2000, following India's refusal to include Pakistan in any trilateral talks over the Kashmir issue as proposed by the Hizb.

(Tribune Nov 30, 2006)

Civilian injured as army jawan opens fire

Srinagar, Dec 10: Protest demonstrations were held today at Mir Bazar in Anantnag after an army official allegedly opened fire on a civilian and injured him critically.

Police has registered a case against the security official Mukesh Singh and seized his weapon.

Reports said Mukesh asked a local shopkeeper Manzoor Ahmed Wani to stop and lift his "phiran". While Wani was in the process of lifting the "phiran", the soldier fired upon him.

The shopkeeper was critically wounded. He was rushed to Soura Medical Institute here. After the incident people took to streets and held strong protest demonstrations. They burnt tyres on the roads.

The protestors reached Srinagar-Jammu National highway amid heavy rains. They blocked the road and suspended the vehicular traffic movement for five hours. They demanded a high level probe into the incident and registration of case against the accused official.

Senior police and civil administration officials reached the spot and pacified the protestors. They assured them action against the soldier.

Subsequently, police registered a case against Mukesh Singh and seized his weapon, a police spokesman said.

(Kashmir Times Dec 11, 2006)

Tailor killed in Valley

Srinagar, Dec 3: Suspected militants have shot dead a young tailor at Baramulla and left a student wounded in another shootout at Tujjar Sharief in Sopore.

Informed sources said that two suspected militants appeared at Mohalla Mir Sahib in Baramulla old town at 1940 hours this evening and they fired upon a 20-year-old tailor, Waseem Ahmed Zargar S/o Ghulam-ud-din-Zargar, just outside his home. He died on the spot.

Sources said that late last evening, an unidentified gunman, fired upon an undergraduate student, namely Shaukat Ahmed Mir S/o Ghulam Hassan Mir R/o Lone Harray, Kupwara, at his host Abdur Rasheed Tantray's house at Tujjar Sharief in Sopore area. As the student sustained a gunshot in his cheeks, he was evacuated and rushed to SKIMS, Soura, where he was reportedly stable today.

(Daily Excelsior, Dec 4, 2006)

Man killed in Valley violence

SRINAGAR, Dec 8: Unidentified gunmen abducted and later killed a man at Simpora-Sopore, police said.

The deceased was identified as Bashir Ahmad Sofi. It was not immediately known as to who killed him and what the motive was. However, reports said Bashir's brother Maqbool was re-arrested one month back. Earlier, he was lodged in Kot Bhalwal jail for two months under Public Safety Act.

Gunmen shot at and critically wounded a contractor Mohammad Maqbool Wani of Branti-Batapora in Achabal-Anantnag. He was removed to hospital but he succumbed to his injuries on way to hospital, reports said.

Police said three gun men asked 17-year-old Mudasar Ahmad Mir of Alishipora-Shopian to hand over his mobile phone to them. When he refused, a bullet was fired upon his leg. Mudasar was removed to hospital for treatment.

(Kashmir Times, Dec 9, 2006)

Civilian killed, 15 hurt in Baramulla blast

SRINAGAR, Dec 5: One civilian got killed and 15 others sustained injuries in a grenade explosion in Baramulla township today. Informed sources told Excelsior that a grenade blast occurred at Azad Gunj chowk in Baramulla town at 1045 hours today. As many as 16 persons sustained splinter injuries. Three persons, who were critically wounded, were rushed to Srinagar and admitted to SKIMS where one of them later succumbed to injuries. He was identified as Munir Ahmed Bhat S/o Abdul Majeed Bhat, Stadium Colony, Baramulla.

Two more of the critically injured, namely 40-year-old Habibullah Lone S/o Ghulam Rasool Lone of Nadihal, Rafiabab, and 20-year-old Masooma D/o Ghulam Hassan Wani R/o Khanpora, Baramulla, were reportedly battling for life at the hospital in Srinagar. Sources said that 13 of the injured men and women were treated at District Hospital Baramulla and

most of them had been discharged by late tonight. SSP Baramulla, Viplav Kumar, claimed on the basis of the statements of 'eyewitnesses' and a soldier, who was on the ROP duty at that moment that the hand grenade fell from the person of Munir Ahmed Bhat and exploded. He said that Munir was among the 12 civilians who sustained injuries in the explosion. Later, he succumbed to injuries on way to a Srinagar hospital.

Army officials corroborated SSP's version of the incident and claimed that Munir was either carrying the grenade for militants or had removed its safety pin with the purpose of throwing it on a patrol party or convoy of security forces. However, civilian eyewitnesses insisted to the EXCELSIOR that 32-year-old Munir Ahmed Bhat was walking towards Azad Gunj like many others when the blast took place. According to them, the grenade appeared to have been thrown by an unidentified militant in the direction of a soldier on ROP duty.

However, it fell short of the apparent target and went off, causing injuries to 16 civilians. "Had he been carrying the grenade, he would have been blown into pieces. We saw just splinters all over his body like many of the victims", one Abdul Majeed Mir said about Munir Ahmed Bhat. Inquiries revealed that the younger brother of eminent television anchor and producer, Mohammad Amin Bhat, Munir had pursued his studies while running a shop simultaneously. After completing his B Sc, he had undertaken a diploma in computer software and management. Of late, he had begun to work with Jammu-based Chowdhary Motors and was looking after their marketing and booking of vehicles in Baramulla. All the residents interviewed in Baramulla maintained that Munir had never associated himself with militancy or separatist politics.

Police officials confirmed that he had neither been arrested in the past nor found involved in any subversive activity. They said that he had also neither disappeared from his residence nor figured as a suspect in official records. In reaction to the official version, Mohammad Amin Bhat lamented that the authorities were seeking to demonise an innocent civilian and a victim of the blast even after his death. He pointed out that none of the militant organisations had either claimed the blast or described Munir as their worker. "We are four brothers and he was the most polite, most responsible and the most domestic. He was the one who had not shown even the slightest of inclination for any political ideology. His wedding was fixed in April next. We don't want him die with a stigma", Bhat said about his brother while taking dead body back to his home. "Does any militant throw grenades in the vicinity of his residence where everybody can identify him, that too in broad daylight?" Bhat asked.

(Daily Excelsior, Dec 6, 2006)

Civilian gunned down in Anantnag

Srinagar, Dec 7: Unidentified gunman, believed to be militants, tonight barged into the residence of one Mohammad Maqbool Wani S/o Abdus Salam Wani at Brinti Batpora, Achhabal, in Anantnag district and shot him dead. Reports said that Bhat was a civilian apparently with no militants, counterinsurgent or political background.

(Daily Excelsior, Dec 8, 2006)

Houses suffer damage

Engineer killed in IED explosion

Srinagar, Dec 29: An engineer was killed in an IED explosion at Mirza Kamil Chowk at Hawal here.

The deceased was identified as Shabir Hussain Khan of Bagwanpora-Lal Bazar. The incident occurred at 11.15 AM. Reports said the IED was concealed in sand near a graveyard. When the blast occurred Shabir was traveling on a motor cycle. He was critically injured. The engineer was removed to Soura medical institute, where he succumbed to his injuries.

A maruti car and two scooters were damaged in the incident and so were some adjoining houses and shops.

People ran helter skelter on hearing the big bang. The shopkeepers abandoned their shops and ran for safety. The vehicular traffic movement was also suspended.

Senior police and security officials reached the spot and the area was sealed. The cops carried out on the spot investigations. After some time the vehicular traffic movement was allowed through the area.

Police said the blast occurred at a place, where CRPF and local cops usually conduct checking of the vehicles.

A pal of gloom descended over Bagwanpora as the news about the death of the engineer reached there. Large number of people joined his funeral.

(Kashmir Times, Dec 30, 2006)

A Blue Print for Self-Rule

Ever since Pakistan president

General Musharraf proposed

self-rule as a part of his solution to the Kashmir problem, it has been variously interpreted. National Conference president Omar Abdullah quotes Musharraf as having told him that it meant autonomy. The Hurriyat and the PDP support the idea with their own interpretations. It is not a patent of any body. If self-rule means, as it should, rule of the people, in other words, a democratic system, its broad outlines are presented below; which could be a basis for further discussion:

The status of Jammu and Kashmir, in the initial years was in accordance with the provisions of the India Independence Act and Instrument of Accession which were applicable to all princely states of India. While other states surrendered their right to constitution-making to the Constituent Assembly of India, the Maharaja of Kashmir and Sheikh Abdullah did not.

In July 1952, Nehru and Abdullah signed an agreement, known as Delhi Agreement, under which the latter agreed to the extension of some more provisions of the Indian Constitution apart from Defence, Foreign Affairs and Communications ceded under the Instrument of Accession. The state agreed to the extension of limited jurisdiction of the Supreme Court, the use of Indian flag along with the state flag and some other provisions. The July Agreement also promised to provide

autonomy of the intra-state regions when the constitution of the state would be framed.

Popular government also implied shift of power from Jammu-based Maharaja to the Kashmir-based leadership which had hardly any influence among the Hindus and Muslims of Jammu. The special status of the state under Article 370 of the Indian Constitution was interpreted in Jammu as additional power of Kashmiri leadership to dominate over Jammu. Thus, an agitation was started by Jan Sangh, Ram Rajya Parishad, Hindu Maha Sabha and Akali Dal, in support of Jammu-based Praja Parishad for Ek Vidhan, Ek Pradhan and Ek Nishan (One Constitution, one President and one Flag for the country) led by the same group which had supported Maharaja's aspirations to keep the state independent.

Unfortunately death of Dr. Shyama Prasad Mukerjee, who had come to the state to lend his support to the agitation, in Srinagar jail, complicated the matter. The slogans raised in various parts of the North India "Qatil Abdullah ko phansi do" (hang Abdullah, the murderer) provoked strong reaction in Kashmir valley, which had fought against Pakistan. The Kashmiris felt unsafe in India now. This was one of the main reasons that made Abdullah equivocate on the issue of accession. Further misunderstanding between him and New Delhi led to his dismissal from power and a long period of detention in August 1953 which marked the first emotional rupture between Kashmir and the rest of India.

It may, however, be noted that before his death Jana Sangh leader Dr. Mukerjee, in the course of prolonged correspondence with Nehru, finally in May 1953, agreed to accept Delhi Agreement "provided regions are also given autonomy." Nehru had already accepted it in July 1952. But death of Mukerjee and a directive of the RSS against autonomy of the state and of the regions, made Mukerjee's acceptance of Delhi Agreement meaningless.

Gradually autonomy of the state was eroded with the consent of unpopular state governments. But most drastic steps for erosion were taken during post-Nehru era, by the leftist Chief Minister GM Sadiq, supported by the Communist Party of India which by now had become integrationist, following the USA-Pak defence pact. Not only the state was brought almost at par with the other states of the country constitutionally but politically also the ruling party of the state viz. the National Conference was merged with the Indian National Congress.

Thus, Kashmir lost its distinct identity for the preservation of which it had rejected Pakistan and opted for India in 1947. Even today, the predominant urge of Kashmiri Muslims is to preserve its identity, expressed vaguely in the popular slogan of Azadi. In order to satisfy this urge, constitutional as well as political measures are necessary.

As far as constitutional changes are concerned, they must be debated in the context of their impact on the state, including the regions. First, they must be in the interest of people of Kashmir. Some degree of "de-integration" may be necessary. Broadly the constitutional provisions applicable to the state should be divided into two parts. One executive powers of the Centre and two federal institutions which check these powers. For instance, jurisdiction of the Supreme Court extended to the state is for the benefit to the people of the state. If that is withdrawn, the High Court judge will be appointed by the State government which will also have the power to remove them. In no sense it would ensure more liberty to the people. It may be mentioned that if the state was under the jurisdiction of the Supreme Court in 1953, Sheikh Abdullah could neither be dismissed nor indefinitely detained. Similar advantages accrue to the people of the state if the Election Commission, the Auditor General and the UPSC retain their jurisdiction over the state. Similarly usefulness of autonomous statutory institutions like the Women Commission, the NHRC and the Commission for ST/SC should be considered from the point of view of the interest of people of the state.

The degree of autonomy of the state in executive and administrative matters should be open for debate and an agreement should be possible with those Kashmiri leaders who agree to remain a part of India. It is therefore necessary that concessions or talks on the subject should be held with a credible leadership of Kashmir. Otherwise, unilateral concessions will only increase the bargaining capacity of the separatists.

As far as the status of regions is concerned, the starting point may be commitment made by Nehru and Abdullah on 24 July 1952 on regional autonomy. In 1968, the J&K People's Convention, convened by Sheikh Abdullah, representing the entire spectrum of political opinion in the valley unanimously adopted a five-tier constitution set up for the state; which provided regional autonomy and further devolution of power to districts, blocks and panchayats. This was again an unwritten part of Abdullah's accord with Indira Gandhi by which he returned to power in 1975. He was required to make a firm commitment to representatives of Jammu and Ladakh for giving them regional autonomy, which he did at their conference in Srinagar. After that he reiterated his commitment as Chief Minister a number of times.

In 1996, the then Chief Minister appointed a Regional Autonomy Committee headed by me. I submitted my report to the government in 1998, after consulting each and every part and ethnic community of the state and experts in international law and eminent social scientists of the country. I need not reproduce its recommendations here except suggesting that copies of the report be made available to members of the relevant working groups. I suggested outlines of regional autonomy under three categories; political, cultural and financial. In the last category, I had suggested an eight point formula for equitable share of state funds which included area, population, road mileage per square mile, share in admission to technical institutions, share in government services, female literacy, infant mortality and contribution to the state exchequer.

It is indeed ironical that the most diverse state of India has the most centralized system of governance. It is the only state where Panchayats do not exist and its Panchayati Raj Act is an instrument of further regimentation and centralization.

Communications

Non-implementation of Right to Information Act

I have gone through your article on Right to Information Act in Jammu and Kashmir state published in Sept-Oct 2006 issue. I wish to bring to your notice an instance of non-implementation of Right to Information Act 2005 in our state. I deposited my application in Jammu Municipal Corporation on 24-6-06. Unfortunately even after six months I have not received any information. I have given several reminders to the department but to no avail.

I sought the following information in the prescribed form on August 24, 2006:

1. Please indicate the progress made on my application so far, i.e., when did my application reach, which officer, for how long did it stay with that officer and what did he/she do during that period?
2. Please give the names and designations of the officials who were supposed to take action on my application.
3. What action would be taken against these officials for not doing their work and for causing harassment to the public? By when would that action be taken?
4. By when would my work be done?
5. Please give copy or print out of those portions of records, which contain details of receipt of the above applications.
6. Please give reasons for out of turn disposal of the applications, if any.

I state that the information sought does not fall within the restriction contained in Section 6 & 8 of the RTI Act and to the best of my knowledge it pertains to your office.

— Anjil Gupta

173, Shopping Centre,

Rehari, Colony, Jammu.

Dogra Sadar Sabha at Chandigarh

J&K Dogra Sadar Sabha is a registered organisation of Dogras from the State of Jammu and Kashmir living in and around the Union Territory of Chandigarh.

The prime objective of this organisation is to provide a platform for the Dogra Community from the state of J&K presently residing in this region of the country to perpetuate their culture and help further the cause of the people hailing from our state. The Sabha is proposing to start a helpline for people from J&K coming to Chandigarh especially for treatment. We are also in touch with Government of India to start a train between Chandigarh and the State so that state residents can travel to Chandigarh more conveniently.

The Sabha had its first annual get together on 16th April 2006. The next annual get together is scheduled on 13th Jan 2007, on the auspicious occasion of Lohri. At this occasion, the Sabha is also proposing to release a Directory of addresses and other contact details of Dogra families living in this part of Northern India.

— Kuldeep Singh

President,

J&K Dogra Sabha, Chandigarh.

37, Sector 5, Chandigarh.

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