

The Hindu

### **Protection of nomadic tribes: NHRC stress on need for implementation of the Idate Commission report**

The commission also maintained that the government must act to repeal the Habitual Offenders Act, 1952

<https://www.thehindu.com/news/national/protection-of-nomadic-tribes-nhrc-stress-on-need-for-implementation-of-the-idade-commission-report/article67757054.ece>

A family of nomadic 'Gangireddula' tribe, with its child atop the decorated bull called 'Gangireddu', which is the sole source of livelihood for it, in Hyderabad. File photo

The National Human Rights Commission (NHRC) on Friday stressed on the need to implement the Idate Commission report that has recommended for setting up a permanent commission for Nomadic, Semi Nomadic, and De-Notified Tribes (NTs, SNTs, and DNTs) in India.

The commission also maintained that the government must act to repeal the Habitual Offenders Act, 1952 and if not, the appointment of a representative of De-notified Tribe community with the nodal officers as stipulated in the Act. It also suggested the non-inclusion of DNTs/NTs/SNTs under the SC/ST/OBC and formulation of specific policies for the former, among many others.

These points were highlighted during an Open House Discussion on "Protection NTs, SNTs, and DNTs in India and forward trajectory", organised by the NHRC. Commission member, Dnyaneshwar M. Mulay inaugurated the discussion in which other members including Rajiv Jain, Vijaya Bharati Sayani, Joint Secretaries Anita Sinha, and Devendra Kumar Nim participated.

Dr. Mulay said that De-Notified Tribes, Nomadic Tribes, and Semi-Nomadic Tribes also require proper means of livelihood and added that the colonial mindset about the De-Notified Tribes having "criminal tendencies" needs to change to ensure their human rights are not violated.

"Proper documentation of their identities needs to be speeded up so that they get the benefits of welfare schemes and the basic needs are provided to them. Hence the different stakeholders need concerted efforts and discussions to streamline the issues impacting their human rights," he added.

Mr. Nim expressed concern over the issue of De-Notified communities lacking citizenship documents, which makes their identity invisible and causes hindrances in obtaining government benefits, constitutional, and citizenship rights.

The commission maintained that there is a need to identify challenges faced by the NTs, SNTs, and DNTs owing to the stigma imposed by the enactment of the Criminal Tribes

Act, 1872 and later by the Habitual Offenders Act, 1952 and figure out a way to modify discriminatory provisions of the latter.

It also stressed on taking measures to discern hurdles endured by the communities in availing basic facilities such as education, employment, health care, and legal documents, among others.

“To suggest measures to mitigate all the uncovered challenges, ensure representation of De-Notified tribes in parliament, government institutions and higher education, and determine a way to proceed, especially for women and children,” the NHRC suggested.

Hindustan Times

## **Rajasthan Govt agrees to pay relief of ₹30 lakh in case of electrocution of bus passengers**

Rajasthan government has decided to pay the relief of 30 lakh rupees in the case of electrocution of bus passengers, on the recommendation of the National Human Rights Commission.

<https://www.hindustantimes.com/cities/delhi-news/rajasthan-govt-agrees-to-pay-relief-of-rs-30-lakh-in-case-of-electrocution-of-bus-passengers-101705617132075.html>

New Delhi [India], January 19 (ANI): Rajasthan government has decided to pay the relief of 30 lakh rupees in the case of electrocution of bus passengers, on the recommendation of the National Human Rights Commission.

Setting aside the no negligence contention of the Rajasthan government, the Commission had recommended that the state government pay ₹5 lakh each to the Next of Kin (NoK) of the six passengers who died due to electrocution when their bus came into contact with an unguarded high-voltage wire in the Jalore district on January 16, 2021.

The state government has accepted it and is making the payment of the relief to the next of kin of the deceased victims.

The Commission had taken cognizance of the incident based on a complaint and called for the reports from the Electricity Department of the Government of Rajasthan.

"Based on the material on record, it concluded that there was negligence on the part of the Electricity Department in fixing the electricity poles on the road. There was the absence of guarding the 11 KV electricity connection which was in contravention to Section 73 of Central Electricity Regulation 2010," the National Human Rights Commission said in a press release.

In response to the Commission's notice to show cause why relief of ₹5 lakh each to the NoK of the victims should not be recommended to be paid, the state government had maintained that there was no negligence on the part of its Electricity Department and hence, the question of relief did not arise.

"Citing, various reasons among others, it said that the incident did not happen due to the breakage of wire and absence of guarding but because of tampering with the electrical system by the conductor while guiding the bus from a point where there was not much movement of vehicles. That is why there was no guarding of the 11 KV electricity connection below the said line. It was also stated that even the FIR lodged with the Jalore Police Station on January 16, 2021 ended up in the final report and was also accepted by the court. Hence, they were not liable for providing any compensation in the matter," the NHRC said.

However, the Commission, vide proceedings dated October 3, 2023, held that the electrical department could not forego its liability given in section 73 of Central Electricity Authority Regulation 2010, which categorically states that the authority shall specify safety requirements for construction operation and maintenance of electrical plants and electric lines.

Accordingly, it reiterated the recommendation for the payment of relief to the NoK of the six deceased and called for a compliance report along with proof of payment. The State Government has informed that it has paid relief to the NoK of some of the victims as recommended by the Commission, and the remaining are also in the process of being paid relief. (ANI)

The Leaflet

**Bilkis Bano: Why has the Supreme Court dismissed the plea of 10 convicts for extension of time to surrender?**

<https://theleaflet.in/bilkis-bano-why-has-the-supreme-court-dismissed-the-plea-of-10-convicts-for-extension-of-time-to-surrender/>

ANUARY 19, 2024

The Supreme Court dismissed the plea filed by 10 of the 11 convicts in the Bilkis Bano case, for an extension of time to surrender after the Supreme Court dismissed, earlier this month, the remission granted to them by the Gujarat government in 2022.

TODAY, the Supreme Court dismissed the plea of 10 of the eleven men convicted in the Bilkis Bano case seeking more time to surrender.

The men have been convicted for gang-raping a pregnant Bilkis Bano and killing 17 of her family members, including her three-year-old daughter, during the 2002 Gujarat pogrom.

Having spent 14 years in jail, their sentences were remitted citing 'good behaviour'. They were subsequently released on August 15, 2022, as part of Azadi ka Amrit Mahotsav, which translates to 'Grand Celebration of Freedom's Elixir'.

The remission was challenged before the Supreme Court and on January 8, 2024, a division Bench of Justices Nagarathna and Bhuyan quashed the remission Orders. The court ordered the convicts to surrender within two weeks, which ends on January 21, 2024.

On January 17 and 18, 10 of the eleven convicts applied for an extension in the time to surrender, citing various reasons ranging from "ailing parents", "heart conditions" and "standing crops".

Today, a division Bench of Justices B.V. Nagarathna and Ujjal Bhuyan stated that the reasons mentioned in the applications seeking an extension of time lack merit.

What excuses have the convicts pleaded for an extension of time for surrender?

Govindbhai Nai

Govindbhai Nai, 54 years old, had stated that he needs to make arrangements for his "ailing" parents including his father who is "bedridden" and two sons who are "completely financially dependent" on him.

He claimed that he is an "old man" who is suffering from "asthma" is in "really poor health" and is in need of a "haemorrhoid operation". He had asked for four weeks of additional time to surrender.

Ramesh Rupabhai Chandana

Ramesh Rupabhai Chandana, 58 years old, had stated that he needs to make “viable arrangements” for his mother, who is suffering from “age-related ailments”.

He claimed to have undergone “angiography” and to be on medication for a “heart ailment” and had stated that the condition to surrender within the time directed by the court will adversely affect “not only his mental health but will also affect him physically severely”.

Further, he had argued that he “actively” looks at his crops and is the only male member of the family “who could look after these agricultural activities”.

Chandana had also claimed that his young son is of “marriageable age” and he bears the responsibility to “look after this affair” and that during the period of release, he has committed “no infraction of law”.

He had asked for six weeks of additional time.

Mitesh Chinmanlal Bhatt

Mitesh Chinmanlal Bhatt, 62 years old, claimed that he is a “senior citizen” and had “undergone eye surgery for cataract”. He had stated that he is “unmarried” and “earning his livelihood from agricultural produce” and needs five to six weeks for “harvesting and other processes” in connection to the winter crop.

He had asked for six weeks of additional time.

Jaswantbhai Chaturbhai Nai

Jaswantbhai Chaturbhai Nai, 66 years old, had stated that he is a “senior citizen” and his “entire family is dependent” upon the income generated through agricultural produce. He claimed that he needs five to six weeks to complete the “harvesting and other processes” of the winter crop.

He has asked for six weeks of additional time to surrender.

Radheshyam Bhagwandas Shah

Radheshyam Bhagwandas Shah, 52 years of age, had asked for six weeks and claimed that he needed to make “financial arrangements” for his aged parents, wife and college-going son.

Rajubhai Babulal Soni

Rajubhai Babulal Soni, aged 59, asked for a six-week extension stating that he needs to make “financial arrangements” for his old mother, ailing wife and two sons.

Bipinchand Kaniyalal Joshi

Bipinchand Kaniyalal Joshi, aged 59, claimed that has undergone “leg surgery resulting in a partial handicap” and that to surrender in this condition will be “adverse not only to his mental health but will affect him physically”.

He has stated that he needs to make arrangements because his wife is battling cancer and “requires husband’s support” and that his brother is a senior citizen and is in “need of the assistance of the applicant”.

Bipinchand had asked for a six-week extension.

Pradip Ramanlal Modhiya

Pradip Ramanlal Modhiya, aged 56, claimed to have undergone “surgery for lungs and requiring regular consultation with doctors”. He stated that his wife died due to kidney failure and “some department procedure pertaining to her service benefits is due”. He had asked for four weeks.

Kesharbhai Khimabhai Vohania

Kesharbhai Khimabhai Vohania, aged 58, had claimed that he is “an old man and a senior citizen and has senior medical conditions”. He had asked for six weeks.

Shaileshbhai Chimanlal Bhatt

Shaileshbhai Chimanlal Bhatt, aged 64, claimed that he is “an old man and a senior citizen” and that “his wife lives alone in the village” and that he has “one unmarried son” whose “marriage is due” and that the “harvesting of winter crop is due”.

He had asked for six weeks.

Bakabhai Khimabhai Vohania

Bakabhai had not filed an application for an extension.

The severity of the crime

During the 2002 Gujarat pogrom, Bano was at her father’s home in Randhikpur in Dohad district when the village came under attack from a right-wing Hindu mob.

Bano, who was pregnant with a second child, fled with 17 persons, including her three and a half years old daughter, and her cousins, one of whom was also pregnant.

They travelled from village to village in place of safety. They had to stop at one place, where the pregnant cousin gave birth. But then they continued to move on because the area was not safe.

When they stopped near Pannivel, two vehicles with about twenty-five to thirty people, carrying swords, lathis and sickles in their hands, started shouting “musalmanoko maro” (kill the Muslims) and attacked them.

Bano identified 12 accused persons, all of whom were from her village Randhikpur. One of the convicts, Shailesh pulled Bano's daughter from her arms and ruthlessly smashed her on the ground.

Jaswantbhai attacked Bano with a sword. Then, he along with Govindbhai and others forcibly removed Bano's clothes and raped her. Meanwhile, other accused persons tore the clothes of the other females in the group and committed rape on them and assaulted the male members of the group.

Bano became unconscious. When she regained consciousness, she found herself naked and saw her relatives lying dead, including her cousin's newborn baby.

Bano registered a first information report (FIR) against the 12 accused persons. However, the FIR was not correctly recorded as it was not mentioned that she was raped. The FIR was registered against unknown persons even though Bano had recognised them all.

A case was registered in 2003 at a local police station. On March 25, 2003, the police filed a report citing inconsistencies in the testimonies and a lack of evidence. Eventually, the report was accepted by a magistrate and the case was closed.

Bano was shifted to a refugee camp where she met members of the National Human Rights Commission (NHRC). At that time, the NHRC was led by former Chief Justice of India J.S. Verma and also comprised former Supreme Court judge Sujata Manohar. The NHRC intervened and ensured legal assistance to Bano. The NHRC approached the Supreme Court through senior advocate Harish Salve.

Salve urged the court for a fresh investigation by the Central Bureau of Investigation (CBI), and a transfer of the trial from Gujarat to Maharashtra.

In 2003, the Supreme Court transferred the investigation to the CBI and directed the trial to take place in Maharashtra to ensure a free and impartial trial.

Eleven persons were convicted by a CBI court in Mumbai in 2008 for the offences of murder (Section 302), gang-rape and rape of a pregnant woman under Section 376(2)(e)(g) read with Section 149 of the Indian Penal Code. They were awarded rigorous imprisonment for life, along with a fine.

In 2019, the Bombay High Court upheld the conviction and sentencing. Subsequently, in 2019, the Supreme Court upheld the decision of the high court and awarded a compensation of ₹50 lakh to Bano.

However, the convicts were granted remission by the Gujarat government for their 'good behaviour' under the 1992 Gujarat remission policy after serving 14 years in jail. They were given a premature release during the Azadi ka Amrit Mahotsav on August 11, 2022.

One of the members of the panel that granted remission to the 11 convicts, Bharatiya Janata Party (BJP) legislator from Gujarat, C.K. Raulji, said after their release: "I do not

know whether they committed any crime or not. But there has to be some intention of committing the crime.”

He added: “They are good people, Brahmins. Brahmins are known to have good sanskaar. It might have been someone’s ill intention to corner and punish them.”

This decision was approved by the Union home ministry.

The convicts were greeted with garlands and sweets by members of the Hindu right-wing organisation Vishwa Hindu Parishad.

The remission led to a public outcry. Bano filed a petition challenging the premature release. Several members of civil society, including journalists, academics and politicians also filed petitions challenging the remission.

On March 22, 2023, the Supreme Court constituted a special Bench to hear Bano’s challenge. The Bench comprising Justices B.V. Nagarathna and Ujjal Bhuyan heard the matter in detail and reserved the judgment on October 12.

A disingenuous remission

The remission was granted based on the May 13, 2022 decision of the Supreme Court.

In this case, one of the convicts, Radheshyam, approached the court seeking directions to the Gujarat government to consider his application for remission under the policy of the state government dated July 9, 1992.

The 1992 policy has been replaced by a 2014 policy. The 2014 policy explicitly bars remission for those convicted of rape and murder.

According to his writ petition, the 1992 remission policy must be applicable for considering his plea for premature release and not the 2014 policy.

However, the petitioner neither showed that he was convicted in connection to the Gujarat riots nor did he make Bano a party to his petition.

In 2019, the Gujarat High Court was hearing his plea for premature release. Radheshyam had undergone a sentence of more than fifteen years and four months without remission.

On July 17, 2019, the high court dismissed his petition relying on the decision of the Supreme Court Constitution Bench in Union of India versus V. Sriharan alias Murugan and Others (2016). It held that since the trial was concluded in Maharashtra, the application for premature release had to be filed in Maharashtra and not Gujarat.

The Supreme Court Bench of Justices Ajay Rastogi and Vikram Nath quashed the high court’s Order and held that the ‘appropriate government’ under Section 432(7) of CrPC in the ordinary course remains the government of Gujarat even though the case had been transferred to Maharashtra.

The court reasoned that the case was transferred in exceptional circumstances and only for the limited purpose of trial. After the trial was concluded, the case was transferred to Gujarat where the crime was committed. It relied on its judgment in State of Haryana versus Jagdish (2010).

The News Minute

### **TNM impact: NHRC summons TN DGP in Balveer Singh custodial torture case**

The Commission stated that despite having directed the state's DGP to submit a report by May 2023, the officer failed to do so.

<https://www.thenewsminute.com/tamil-nadu/tnm-impact-nhrc-summons-tn-dgp-in-balveer-singh-custodial-torture-case>

The National Human Rights Commission (NHRC) has summoned Tamil Nadu Director General of Police (DGP) Shankar Jiwai to appear before it on March 1, 2024. The summons was issued as the Commission is yet to receive the 'Action Taken report' that the DGP had been submitted in May 2023. The Commission had, on April 27, 2023, directed the DGP to submit an 'Action Taken' report within four weeks, and had followed it up with three reminders – one on June 23, the second on August 3, and the final reminder on October 9, 2023 – to no avail.

[In the mail sent to the DGP, the NHRC has mentioned TNM's story 'TNM impact: Balveer Singh IPS booked for torturing a minor in custody,'](#) in which we reported that the police has inquired into the matter. "The Commission takes a serious view of non receipt of response to its directions by the DGP ... and directs its Registry to issue summons to the DGP," the summons read.

It is to be noted that Balveer Singh IPS, former Ambasamudram Assistant Superintendent of Police (ASP), has been accused of breaking the teeth of detainees, including a minor, at the Ambai police station using cutting pliers and stones.

On March 26, 2023, three men from Ambasamudram recorded a video saying that they were tortured by Balveer Singh at the Ambai police station, and that their teeth were smashed using stones and other tools. One of the men in the video, Chellappa, said that his brother was kicked in the chest by the police officers at the station and was also sexually assaulted. The men in the video also said that the police officers made them take their clothes off and beat them with lathis. They added that they were threatened by the police to not reveal any of the details of the torture when produced in court.

[When the incident came to light, Balveer Singh was transferred and placed on a compulsory waiting list. On March 29, Tamil Nadu Chief Minister MK Stalin said in the Assembly that Balveer Singh has been suspended](#) in response to a call attention motion raised by the opposition parties.

Greater Kashmir

### **Kashmiri Pandits have an existential stake in Kashmir**

<https://www.greaterkashmir.com/op-ed-2/kashmiri-pandits-have-an-existential-stake-in-kashmir/>

Kashmir was considered the abode of Saraswati, the highest seat of learning in India, and was also referred to as Sharda Peeth. So much so that students on graduating from Kashi would take four symbolic steps towards Kashmir, denoting their aspiration for higher learning. Almost the entire body of Sanskrit literature has its origins in Kashmir.

Rajatarangini, an authoritative historical tome on the royal lineage of Kashmir, written by Kalhana in the 12th century, outlines the greatness of King Lalitaditya, possibly the most powerful Indian emperor of all times, whose kingdom in the 8th century extended from the Caspian Sea in the north to the Kaveri basin in the south, and included Assam in the east. How many Indians have even heard his name? How many of us know that Srinagar was established by Ashoka the Great?

Mahayana Buddhism was spread across mid Asia, China and Japan by Kashmiri monks. Patanjali gifted his yog sutra to humanity and his Sarangadeva is considered the father of both Hindustani and Carnatic music. Acharya Abhinav Gupta, one of the greatest scholars of all times, wrote 46 literary classics, including the renowned Abhinav Bharti. His principles of RAS are being taught in 80 universities around the world. Why educationists and policymakers are deliberately withholding such vital slices of history from our textbooks?

Kashmiri Pandits have rich heritage and their roots are engraved in the soil of the Valley for more than five thousand years. That can neither be destroyed nor obliterated by any power more so by unleashing terror and vicious campaign.

Realities are, at times harsh and strange. The harsh ground reality in today's age of enlightenment is — Kashmir today is without Kashmiri Pandits. The aborigine community of Kashmir, are out in exile, in this modern age of reason and enlightenment. The forced exile of the Kashmiri Pandits in 1990, designed to effect the motivated ethnic cleansing, will go down as a big BLACK SPOT in the history of Kashmiris. The aborigines are in continuous persecution and genocide facing for hundreds of years. The atrocities were peaked during despotic rule of tyrant kings.

The irony is that they did not get any respite/Justice even in the bright days of the enlightened times, especially in the post-independent days of India. Whatever be the vicissitudes of their history all pale into insignificance when we look at their present plight. The colossal crisis through which the exiled community or for that matter the entire Kashmiri society is passing through is in reality- the crisis in the country's great values — the perversion in practice of its constitutional jurisprudence, the sociopolitical and moral norms.

Acute fear and scare had been created which gripped the Kashmiri Pandits from September 1989 onwards after killings of prominent members of the community. The Pandits started feeling what they had felt when hounded by Afgans in the second half of the 18th century — “there is fear and dread in the city. Prepare for journey, disorder is dominant in this city, we are the targets and victims.”

A consensus across political spectrum in the country and in Jammu and Kashmir for the reversal of exile of KPs. The continuing promises by Modi:2.0, the expectations of the native population living as refugees in their own country, skyrocketed for the return to their homeland.

PM Modi urged people of the country and Jammu and Kashmir – come, let us all together, build a “new Jammu and Kashmir and new Ladakh” with the new India’: he said, I have complete faith, under this new system, we all will be able to free Jammu and Kashmir from terrorism and separatism and mainstream it with rest of the country. He called it a Naya Kashmir of newer opportunities and forward movement toward peaceful life. Those from Jammu and Kashmir who live elsewhere for reasons of turbulence in the Valley will be helped to return to their homes the PM Modi declared.

After almost five years plus of 5th August 2019 decision of abrogation of Article 370 and 35-A, a sense is gathering around that the plight of native exiled Kashmiri population is being slowly forgotten. Everybody sheds crocodile tears over their suffering, but nothing by way of action is seemingly visible by the Modi-2.0 and JK Union Territory Government. The larger presence of Pandits, as an important stakeholder and a relevant component in strengthening the idea of India in Kashmir and ushering in peace, and civilisational inclusiveness is less talked about in the din and noise of integration and mainstreaming of Kashmir. This objective is laudable, it is unachievable without the physical presence of seven hundred thousand population of aborigines Pandits back in the valley at least in three smart cities in Srinagar, Baramulla and Anantnag.

Kashmiri Pandits have an existential stake in the Valley. They have to be physically present on the soil of the Valley as living component and stake holders and day to day participants in the socio-economic, political, cultural and spiritual ethos of Kashmir valley, otherwise how will the present as well as future generations realise that Kashmir is the keystone of their heritage through millennia, finding mention even in the Indian oldest scriptures?

The choice of exile was forced on the Kashmiri Pandit community by Pakistan-sponsored terrorists who imposed their writ on Kashmir by unleashing death and destruction. Killing one and scaring a thousand was a concerted plan neatly executed by local terror groups. The state government at that time abdicated its constitutional duties, created a sociopolitical vacuum and left people’s life and liberty at the mercy of looters, marauders and terror groups. The terrorist violence is unabated till this day. The terrorists maimed, killed, lynched and looted a large number of Kashmiri Pandits and other natives. The terror-stricken Pandits ran for life, leaving their homes and hearths behind them.

In July 1988, the Jammu Kashmir Liberation Front (JKLF) began an armed and separatist insurgency for independence of Kashmir from India. The group targeted and mercilessly killed many prominent mainstream political personalities. At the same time Kashmiri Pandits were killed and the first target they chose for on 14 September 1989, when they killed Tika Lal Taploo, an advocate and a prominent BJP leader in front of several eyewitnesses. This instilled fear in the Kashmiri Hindus especially as Taploo's killers were never caught which also emboldened the terrorists. The Pandits felt threatened that they were not safe in the valley and could be targeted any time. The killings of Kashmiri Pandits continued that included many of the prominent ones.

In order to undermine Farooq Abdullah who at that time was the CM of Jammu and Kashmir, the Prime Minister V.P. Singh appointed Jagmohan as the governor of the state. Abdullah had conveyed his reservations on Jagmohan and threatened his resignation. However, the Central government appointed Jagmohan as Governor on 19 January 1990. In response, Abdullah resigned on the same day and Jagmohan suggested the dissolution of the State Assembly. The Kashmiri Pandits were hounded and left Kashmir valley and moved to other parts of India, particularly to the refugee camps in Jammu region of the state.

#### Killing one and scaring a thousand strategy

September 1989, Tika Lal Taploo, who was a lawyer and a BJP member, was murdered by the JKLF in his home in Srinagar. Soon after Taploo's death, in November Nilkanth Ganjoo, a retired sessions judge of Srinagar High Court who had sentenced Maqbul Bhat to death, was shot dead. In December 1989, members of JKLF kidnapped Dr. Rubaiya Sayeed, daughter of the then Union Home Minister Mufti Mohammad Sayeed demanding release of five militants, which was subsequently fulfilled.

On 4 January 1990, Srinagar-based newspaper Aftab released a message, threatening all Hindus to leave Kashmir immediately, sourcing it to the militant organization Hizbul Mujahideen. On 14 April 1990, another Srinagar based newspaper named Alsafa republished the same warning. The newspaper did not claim ownership of the statement and subsequently issued a clarification. Walls were pasted with posters with threatening messages to all Kashmiris to harshly follow the Islamic rules which included abiding by the Islamic dress code, a prohibition on alcohol, cinemas, and video parlours and strict restrictions on Kashmiri women. Unknown masked men with Kalashnikovs used to force people to reset their time to Pakistan Standard Time. Offices buildings, shops, and establishments were colored green as a sign of Islamist rule. Shops, factories, temples and homes of Kashmiri Pandits were burned or destroyed. Threatening posters were posted on doors of Pandits asking them to leave Kashmir immediately. During the middle of the night of 18 and 19 January, a blackout took place in the Kashmir Valley where electricity was cut except in mosques which broadcast divisive and inflammatory messages, asking for a purge of Kashmiri Pandits.

On 21 January 1990, two days after Jagmohan took over as governor, the Gawkadai massacre took place in Srinagar, in which the Indian security forces had opened fire on protesters, leading to the death of at least thirty people, and likely injured over 100. These events led to chaos. Lawlessness took over the valley and the crowd with slogans and guns started roaming around the streets. News kept coming of violent incidents and those Pandits who survived the night saved their lives by traveling out of the valley.

In April 1990, Sarwanand Kaul Premi, a veteran Kashmiri poet was gruesomely murdered. Several intelligence operatives were assassinated, over the course of January. On 2 February 1990, Satish Tikoo, a young Hindu social-worker was murdered near his own house in Habba Kadal, Srinagar.

On 13 February 1990, Lassa Kaul, Station Director of Srinagar Doordarshan, was shot dead. In December 1992, Hriday Nath Wanchoo, a trade union leader and human rights activist, was murdered by the Kashmir terrorists.

Exiled Kashmiri Pandits sought refuge in Jammu, Delhi and elsewhere in the country. The ethnic cleansing process was completed and now the Kashmir Valley has a very small number of Kashmiri Pandits. Those who chose to live in the Valley are being killed by newer breed of terrorists. There is a pattern in continuing killings therefore unless the large population is not physically rehabilitated the KPs would always be the soft targets. The native Kashmiris have entered in the 33rd year of exile. Pandits crave for return to their roots. They say bidding farewell to the soil they have sprung from is too traumatic as experience to be conveyed in words. They always say — we love our homeland and every inch of its bounteous soil has nourished us all. The everyday resolve of these hapless Kashmiris is — strive, struggle and stop not till the exile is reversed and they return back to their homeland on their own terms.

The successive Central as well as state governments have failed them and done precious little for the rehabilitation of this community, which has contributed in a big way to the freedom struggle of India against the British imperialism, and also to the national reconstruction in the post-Independent era. It is a community whose history generates envy at their achievements as well as sorrow at their plight today. The long history of these exiled Kashmiris has been of triumphs and tragedies. The antiquity of the Kashmiri natives and its Aryan origin are well established. Human memory is short and so is, unfortunately, the memory of our leaders, especially of the current dispensation.

It was I.K. Gujral as Prime Minister who said: “If the nation’s coffers have to be emptied for dignified return and rehabilitation of this illustrious community back in the Valley, still it would be a lesser price for their contribution towards modern nation building.”

The forced migration of 1990 left the Kashmiri Pandit community shattered physically and psychologically. Scores of social organisations worked day and night on voluntary basis to bring succour to the exiled. In a permissive, soft and caste-ridden Indian state and in many ways cruel, the exiled illustrious Kashmiri Pandit community have been created as refugees from its own flesh and blood and have been cast aside to fend for themselves.

To survive as a distinct community is next to impossible in present day world until the exile is reversed and rehabilitated physically back in the Valley. They are working relentlessly for the protection of their distinct socio-cultural entity. Their struggle is still going on.

Exiled Pandits petitioned before NHRC from 1994- 1996 for enforcement of their Human rights and right to life, the NHRC way in 1998-99, in its historical full commission judgment, headed by Justice Venkatchaliah an eminent Jurist & former Chief Justice of India- held the systematic/planned ethnic cleansing inflicted on Kashmiri Pandits by terrorists that forced them to exit their homeland as -Acts of akin to GENOCIDE.

The exiled Kashmiri Pandits for several years are demanding high level judicial commission of inquiry. There are very strong grounds legally and otherwise to set up a Commission of inquiry headed by a retired Supreme Court Judge to be assisted by DGP, director intelligence bureau, director of Central Bureau of Investigation and Director General of National Intelligence Agency to probe into the heinous crimes of murders, loot, rapes, forcible land & properties, grabbing of religious endowments properties across the Valley. Sometime back, on the recommendation of State administration the MHA while banning the separatist's outfits described ethnic cleansing & purging of Kashmiri Pandit community, as the principal ground to seal & Ban the separatists/terror outfits operating in Kashmir. The admission by State administration & MHA through Union Home Secretary is in public domain, These recommendations further fortify the pleas for the probe by the victim Kashmiri Pandit community

Politically, the Kashmiri Pandit's view, post inoperable Article 370 and conversion of JK State to a bifurcated Union Territory, the subject of Jammu & Kashmir has become enveloped in a dense opacity with layer upon layer of distortions of history, self serving myths and competing political interests. Peeling off these layers by revisiting history, without prejudice on the real issues involved, can only help in our collective search for a brighter tomorrow for Jammu & Kashmir.

The Jammu & Kashmir policy shall coordinate between, what the country peruses as domestic policy qua the JK Union Territory as GOI, on one hand and the treatment of Jammu & Kashmir, as an issue in Indo-Pak relations and in India's foreign policy in general .A coherent and effective policy on JK affairs must bring all these components together in an internally consistent manner.

One of the most profound and important component of the fresh policy outlook for better tomorrow in Jammu & Kashmir is -the Return, restitution & retention of exiled Kashmiri Pandit Community as a concentrated religious Minority Community In their homeland Kashmir Valley. This community by the acts of terrorist violence was ethnically cleansed and exited from their homeland where their roots are engraved for more than 5000 years.

The return of Pandits to their homeland cannot be achieved unless the Government of India and that of the Jammu and Kashmir Union Territory are on same page to plan out

a common and comprehensive return module and enforce the same in time bound framework.

Successive Governments have promised, the return and settlement of Kashmiri Pandits with socio-economic and political empowerment back in the Valley but so far the promise has remained hollow. Modi 2.0 before general elections must take the exiled Pandits on board for resolution of all the issues concerning Kashmir affairs, as stakeholders. The Pandits must be returned in a time bound manner back to the Valley, to fully enjoy with dignity and political empowerment the right to life and liberty in their homeland. The peace will always elude until the exiled natives of the Valley return physically to their roots and homeland.

New Delhi -the current Modi -2.0 Government has a constitutional and political responsibility and demonstrate a strong political will for the return and rehabilitation of native exiled Kashmiri population back to homeland. It has to create safe and secured at least three smart satellite townships with modern infrastructure, housing colonies etc, provide adequate jobs to the educated youth and rescind the distress sales of immovable properties and secure all the religious places, cultural centres and endowments. There is a pattern of new cultural aggression on this community by way of grabbing of religious shrines and its lands and properties. The shrines and religious endowments are in grave danger from the grabbers and vested interests! Till the time the KPs return to Valley the UT administration shall constitute a high power committee headed by Chief Secretary and induct one prominent KP on the said committee to protect, upkeep, preserve and manage the religious shrines, its properties and free them from all the illegal and fraudulent occupations.

The greater obligation lies on the Central and the UT governments is to create a conducive economic and socio-political environment for reversing their exile, plan and facilitate their early safe and dignified return to their homeland. Otherwise Modi's tall leadership and moral authority would be seen wanting on this issue. Thirty three (33) years is too long an exile for this illustrious community to have suffered. It is now or never situation for them. Native Kashmiri Pandits are longing to return to the Valley — their roots are calling to return to homeland.

KPs want to contribute along with other natives for the revival of the Valley back to its glory of "Firdous Bar Roo-I Zameen Ast"

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