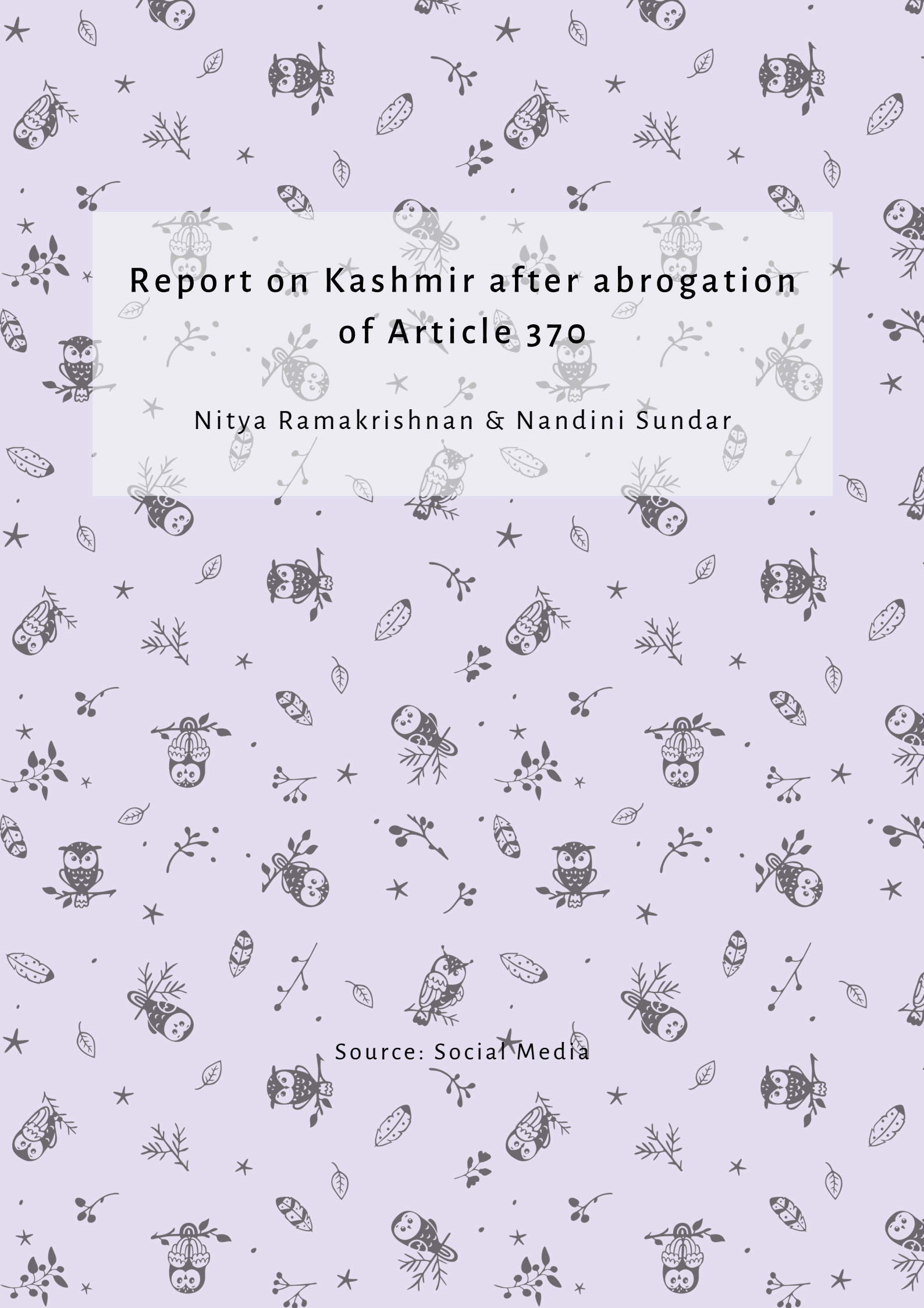




# Report on Kashmir after abrogation of Article 370

Nitya Ramakrishnan & Nandini Sundar

Source: Social Media

**“Go back to India and cover every statue of Gandhi so that he doesn't have to face this shame”: Kashmiris mark the 150<sup>th</sup> anniversary of Gandhi's birthday with *Satyagraha***

Nitya Ramakrishnan (Advocate) and Nandini Sundar (Sociologist)

We visited the Kashmir Valley between 5<sup>th</sup> and 9<sup>th</sup> October 2019. We spoke to a cross section of people in three different regions.

**Srinagar**

We visited the journalist centre, courts, markets, and a few localities in Srinagar

Taxi driver - 2

Auto drivers – 3

Houseboat owners: 2

Lawyers: 2

School and College teachers: 2 (1 each)

Shopkeepers: 5

Street Hawkers: 2

Hotel owner: 1

Waiters: 2

Journalists: 6

Bureaucrats: 1

Families of minors taken by police: 2 families (approx. 10 people)

Total: 38 approx

**Shopian/Pulwama**

We visited 4 villages as well as the Shopian fruit mandi

Parigam village, Pulwama: 3-4 persons (including torture victims);

Class XI female student

Karimabad village: 3-4 persons, including 3 women (family relatives of detainees)

SS village: Families of children who were arrested

SB village: Families of children arrested

One Pandit family (2 old couples)

CRPF jawan

Apple growers: 2 men

25 approximately

**Sopore/Kupwara**

We visited two villages as well as the Sopore fruit mandi

Sopore fruit mandi: 4-5 Mandi officials

Village Pringroo: 5-6 villagers

Village Bhandi: 5-6 people: Sarpanch and other villagers, mother and uncle of youth who died in police custody, son of PC district president who is in jail in Agra under PSA.

15 approx.

## **Overall Impressions**

Of the approximately 75 plus people we spoke to in these five days, not a single person we met was happy with the reading down of Article 370 and abolition of Article 35A, as well as the conversion of the state into a UT. Almost every single person wanted *azadi*, though what they mean by this varies between full independence, i.e not being with either India or Pakistan, to full merger with Pakistan. The constituency for Pakistan has increased drastically, along with those who regard Hurriyat leader Geelani as their main leader. There are no takers for the so-called full integration that the Government of India is promising post-370, especially given that this promise has come with a communication blockade, heavy military presence, severe repression, and the denial of fundamental rights which are in theory available to every Indian citizen.

We met one old Pandit man who had stayed back in the valley who was ambivalent about *azadi*, saying "My children are in Delhi so I can't stay apart from them". But he added, "the people here will never accept in their hearts being part of India." He too was unhappy about the abrogation of 370, though he felt "the Government may be able to ride it out, since Pakistan is not a match for India." One group of NC supporters in Handwara felt 'normalcy' may return if Article 370 is restored, but they also said, "who doesn't want *azadi*?" A Gujjar sarpanch, who recognized that they were a minority as STs in Kashmir said, "even animals want *azadi*." One shopkeeper in Srinagar said that 370 had been so hollowed out that it made little difference, but "still, it was our identity." Regardless of their specific views, however, everyone felt they had lost their identity, and had been humiliated by not being consulted on their own future.

People are resisting in the only way possible – through *satyagraha* or non-violent civil disobedience. There is a complete hartal across the state, despite severe economic and educational losses. Since the entire leadership is in jail – from mainstream parties to the separatist parties, this *satyagraha* is being carried out by the people themselves. There is some societal coercion, but by and large, this is entirely voluntary. This is not happening on the direction of militants, contrary to the advertisements now being run by government.

People compare the situation in 2019 to that in 2016 after the killing of Burhan Wani. The major differences are that first, now there is no leadership and people are acting on their own, second, the resistance is across the valley (earlier it was mostly South Kashmir), and third, even those who were earlier with the Indian government are now completely alienated. The Government claim that the major difference is that there is no open resistance and no loss of life is a.) untrue, since people have been killed even if fewer, b.) temporary – till the people figure out

new strategies. The communications blackout and the mass arrest of mainstream leaders is new and unprecedented.

While people hate the Indian government, they displayed enormous hospitality and graciousness to us as ordinary Indians. They have no problem with Indians, so long as they are not from the media. The Kashmir press is heavily censored, with Orwellian claims that everything is normal and people are happy. The Government runs full page advertisements every day telling people the benefits of not having 370. The national television media is simply a disgrace since they are collaborating with the government in the pretence that everything is normal. The correspondents for national media report abuses and torture faithfully but the news is not always carried. They remarked that in over two months, there has not been a single editorial in Kashmir on Article 370. Everyone feels that they are being pushed back to the stone ages without phones and internet.

The High Court is hardly functioning. Lawyers told us that some 300 habeas corpus petitions had been filed but the court gave generous time to the government by which time the petitions became infructuous. There were hardly any private lawyers.

Even a cursory visit to Kashmir's villages show a level of prosperity that is much higher than many parts of India. The *Swachh Bharat Abhiyan*, *Ujjwala Yojana*, Housing Schemes etc. are quite un-necessary here, since everybody already has pukka houses, toilets, gas cylinders etc.

In the long run it appears that the Modi government's precipitous step will result in a long term Palestine-like occupation, with heavy costs not just to the Kashmiris but also to the Indian economy and polity, unless there is enough international pressure to introduce some changes.

The mainstream leadership is by and large completely discredited. Repeatedly we heard that if the government can jail even their favoured stooge, Farouq Abdullah, then what is a common person to expect. They also repeatedly pointed out that the government had not even spared Hindu religious sentiments by sending back the Amarnath yatris midway. There is no going back from this step.

## **Economic Losses**

People are facing huge economic losses due to the curfew-turned-hartal. Although there are now officially no restrictions, the uncertainty over where the government has re-imposed restrictions continues. For instance, journalists informed us that the government announces that they have removed restrictions from 20 police precincts without specifying which ones, so people are never fully certain. The heavy deployment of the military also continues so people feel unsafe.

One taxi driver who was earlier employed at Rs 8000 pm is now earning Rs. 5000. "370 knocked 3000 of my monthly income" he said. An auto driver said he

used to run a hotel with 16 rooms but since there were no tourists he was now driving an auto.

Shops are open only from 7-9 am. The hartal is largely voluntary but there is also some social enforcement. For instance, we were told that a vegetable seller in Soura who kept open all day found his shack burnt down, a milk man was given a "last warning" for keeping his shop open half day, an apple grower who sold his fruit found six trees cut overnight. An auto driver said he no longer drives downtown for fear of random stones, so he parks his auto at night at his in-laws and walks home 2 km to downtown. He plies only for a short while in the evening.

On the 9<sup>th</sup>, we found a couple of establishments (restaurants) had started staying open all day. It may be that people will slowly inch back to keeping open their businesses, out of compulsion. However, one apple grower we met said he was "willing to lose 9-10 lakhs every year by not harvesting and selling his apples, if it gets us azadi." (see section on apple trade)

Houseboat owners, workers and everyone dependent on tourism have been particularly badly hit. One houseboat owner with a five room houseboat said he lost 7 lakhs this year. A shopkeeper who sells perfumes sourced from Gujarat to tourists on houseboats said that due to the communications blackout, he was not able to contact his suppliers, and anyway, what would be the point since there were no buyers.

Weddings are going on, but the amount of food consumed and numbers invited are much lower than usual. The head of one NGO, *Aash*, which organizes mass weddings for orphans, said that last year they had served biryani, this year they could only serve kahwa.

Several people, in both Srinagar and the villages, told us that Kashmiris are able to survive the blockades and hartal because of community traditions of support and co-operation, which get strengthened in conflict situations. Those who cannot afford it are helped with rations. In places like Aanchar in Srinagar where they have barricaded themselves in, many people are agriculturists and have enough paddy stocks.

## **Apple Trade**

We visited the Shopian and Sopore fruit mandis. The Shopian fruit mandi was completely closed with not even trucks parked outside. One grower we met said he was prepared to lose lakhs if the hartal helped to get azadi.

The Sopore fruit mandi was also closed, but the Horticulture dept office where NAFED was purchasing fruit was open. The NAFED officials said that while normally 300 trucks leave the Sopore fruit mandi per day, they had managed to send out only 3 trucks since September 15 when the Market Intervention Scheme (MIS) was announced. However, they said that a.) those who had already signed agreements with traders from Azadpur mandi were sending it directly, b.)

that some informal trading was taking place outside the mandi. Inside the mandi, however, it is clear that there is complete hartal.

Last year the mandi turnover was 1000 crore. Only 586 farmers out of 94,000 farmers in District Baramulla had registered with NAFED to sell. Out of these 586, only 46 growers had actually sold. This came to 30 metric tonne which was sent out in 3 trucks.

While MIS is pitched as beneficial for apple growers, in practice because of the sorting into different grades they are losing out. Earlier each crate contained a mix of grades, which were sold at the highest grade.

In Handwara, people are fulfilling their agreements, but those who had not made agreements are suffering. They have to sell their apples against the challans of their neighbours with agreements, and since there is no communication have no idea what rates they are getting for their apples.

### **Religious Restrictions**

This year Eid was hardly celebrated. Around Qalamabad in Kupwara, the police went around villages and told people not to gather in Idgahs and not to use loudspeakers. People offered eid namaz in their local mosques. There was no namaz in the Qalamchakla Idgah either.

### **Educational losses**

While schools are technically open, no children are going to school. The teachers mark attendance for a couple of hours a day, sometimes 2-3 times a week. A six year old girl in Soura Srinagar said she was scared to go to school because "*police uncle goli mareng*". Parents don't want to send their children to school with such heavy militarization and without phones. We were told that the CRPF had occupied SP Higher Secondary school since August 5th but could not personally verify this.

Rural schools are shut. Even if it's within the locality, the armed forces are everywhere and people are scared they may be some incident/shootout.

An 11<sup>th</sup> standard girl in Parigam village, Pulwama who was studying for medical entrance tests in a coaching college in Srinagar had now returned home to her village. Exams have been announced for end November but she said she didn't know how they would do it since they have not been taught the course; they could only revise whatever had been covered, the new material was difficult to study on their own. She didn't know how she would be able to give the entrance test.

One school teacher in a middle class Srinagar school said they distribute assignments to all those children whose addresses they have but don't know how to reach the rest.

A college teacher said that she and other colleagues have been going periodically to college but no students come. On 9 October when colleges officially opened, there were almost no students that we could see. There is no public transport so it is hard to see how school or college students would get to the educational institution.

### **Arrest of children/minors**

Small children, some as young as six years, are being picked up and kept for a day to several days, or asked to report morning to evening for several days. Most often there is no record of their detention. In most cases, their fathers or other relatives are asked to report every day to the thana, as some kind of surety/hostage. Children are picked up on charges of playing resistance *taraanas* through mosque loudspeakers or pelting stones. This has happened even before August 5<sup>th</sup> as one of our cases showed but the pace has intensified.

Both in Pulwama and Srinagar, we were told that children are scared to sleep in their own homes at night lest they are picked up. They sleep at a grandmother's or other relative.

For a year or more, the army has been carrying out a census of households in villages. After August 5<sup>th</sup>, it was thus easy for them to target families with youth.

We met the following cases:

#### *SS village, Shopian district*

20 children (approx.) between the ages of 12 and 20 were picked up and kept for 15-20 days. One 12 year old child, SN, class VII, was picked up on August 10 and released on September 25 to a juvenile justice home. There are 6 cases against him – of stone pelting, damaging houses and vehicles. We were unable to meet his parents and get the exact details.

Other children detained from the village include:

- 1.) SAM, age 14/15; class X student
- 2.) ABS, age 14/15years; class X student
- 3.) AF, age 16 years
- 4.) IAP. He is from a poor family, so was doing mazdoori.

They were picked up from their houses on 10<sup>th</sup> and 20<sup>th</sup> August around 2 am. They were released in batches of 2-3 from 20<sup>th</sup> to 25<sup>th</sup> September. Apart from SN, none have been charged.

The police charged their families Rs. 100 per day for food while the children were kept in the thana. They were allowed to meet their families for 10-15 minutes every day. There is huge overcrowding in jails, making it difficult for the children to lie down and sleep.

We did not meet the children themselves – we were told they were out plucking apples (which may or may not have been the case), but we met members of their families and village elders.

#### *SB village, Shopian district*

In this village, children had been picked up in May 2019 and released. We met some of them and their parents.

1. SF, age 12, Class V
2. AM, age 9, class IV
3. AS, Age 12, Class III
4. FF, age 14, Class VII

Two men in civil clothes came on a scooter around 3 pm to AY house and took him. Then they came to FF house and summoned him to the thana. He went with his mother. Then they went to AM and AS houses and summoned them too. Police left the younger kids off at night and they had to go back the next morning. They were kicked a couple of times and made to do sit ups holding their ears (*murga*). AM had been picked up in 2016 as well when he was only six.

FF was inside for 5 days along with two other boys. They were quite badly beaten up. His father also said when he went to meet him he was told to come back later and could see he was being beaten. The boys were picked up for playing taraana on the Hanfi mosque loudspeakers, SB village. The Police confiscated their Ipad and the mosque loud speakers. FF was sent away from SB village to his aunt's for a few months and had only just returned.

#### *Srinagar*

We spoke to one child who had been picked up and released. Six year old H was picked up from the mosque on 17<sup>th</sup> August at 3 pm, along with T, age 12, class VII, and taken to the thana. They were released at midnight. After that T's father and H's grandfather had to report in the thana from morning to evening for several days. H is now interested in playing with guns and thinks of them all the time.

### **Torture Cases**

#### Parigam Village, Pulwama

Parigam village has two army camps close by. The high school has been shut for two months. Earlier while the army would pass through the village, they did not bother the residents. However, after August 5<sup>th</sup>, they have randomly picked up youth whose houses lie along the main road and tortured them to instill fear. On the night of August 6<sup>th</sup>, the army picked up 9-11 youth between the ages of 20-30 from 8 houses, getting one person to knock on the door of another in a chain.

We met two brothers, Shabir Ahmad Sofi, aged 25 and Muzaffar Ahmad Sofi, aged 23 years, along with their father Sanaullah Sofi, at their home in Parigam village, Pulwama. The family runs a nanwai (bread) and bakery. On the night of 6<sup>th</sup> August the army first knocked on the door of the chowkidar, Abdul Ghani, and told him to call a man called Qayoom Ahmad Wani who runs a kirana (groceries) shop. Qayoom was then used to show them the way to the baker's house. When Sanaullah opened the door, the army asked for his sons (they knew them because of the prior census, the boys had not had any previous charges).

The 9-11 youth (the Sofi brothers; Qayoom Ahmad Wani; Yasin Ahmad Bhatt, Muzaffar Ahmad Bhatt; Abdul Ghani's son) were taken to a spot outside the mosque and beaten with cables and sticks on the road from 12.30 am to 3 am approximately. They were also given electric shocks to revive them after falling unconscious. The boys crawled home on all fours. They have been unable to move for the last two months, leave alone work.

When the families of the youth tried to intercede they were turned back. The Army threatened to beat the youth more if anyone tried to stop them. The next morning the youth were taken to the Government Hospital for Bone and Joint Surgery, Barzulla, Srinagar. The families wanted to file an FIR in Pulwama thana but the thana has been closed off with barbed wire.

Sanaullah's bakery has been shut for the last two months. He incurred a loss of Rs. 2 lakh on the goods he had prepared for Id, which could not be sold, since the bakery was shut. Now he survives on the morning nanwai. Earlier his monthly income was about 25-30,000 per month. Now it is almost nothing.

### **Arrests/Preventive Detention**

The number of arrests and preventive detention cases has increased since August 5. People with old FIRs against them are being picked up and kept in the police stations. Sometimes they are released and some of them are charged under PSA and kept in Srinagar central jail or taken to Agra. Families are scared that if they protest or speak to the press, the detainees will be charged with PSA.

#### *Parigam village, Pulwama*

Five men were arrested and taken to Pulwama PS after August 5<sup>th</sup> (date unknown). The army hit two girls (one of them is a nursing student) for protesting while their relatives were being taken away. We were unable to talk to this family.

#### *Karimabad village, Shopian*

This is a known militant village, with 11 graves in a martyrs' graveyard. The army has twice demolished the graveyard but people have rebuilt it and put paper flowers on the graves. Here too, the army has picked up youth as part of

preventive detention measures and sent them to Agra even though they have nothing to do with the militancy personally.

Those arrested include:

1. Mamoon Ahmad Pandit, aged 17 years, 2<sup>nd</sup> year student of the degree college, Pulwama, arrested on 7<sup>th</sup> August, and lodged in Agra central jail under PSA. His sole crime is that he is the youngest brother of well-known militant Nasir Ahmad Pandit who died in 2016.  
We met his mother who said the army came at 2 am on the 7<sup>th</sup> and told the families the youth were being taken into preventive detention till August 15. However, when they went to the Pulwama PS on 16<sup>th</sup> August, they were told he had been taken away.
2. Munirul Islam, age 20, aka Suhail, s/o Bashir Ahmad Pandit, arrested on 8<sup>th</sup> August at 2.45 am.  
We met his sister who said the army men jumped over the gate, asked for Suhail, and dragged him out by his neck and hair. The sister and mother were pushed inside the house; the army fired twice on the cement floor and later took the cartridges away. We saw the holes in the floor. Munirul had been previously taken away in July also; his hair was cut and he was beaten. At the police station, the family was told he would be released after August 15, but on August 14 they heard he was being taken to hospital. The family met him at Pulwama PS, but immediately after he was taken to Srinagar central jail and then Agra jail.
3. Bilal Ahmad Dar (father of two small children). We did not meet anyone from his family, so have no details.  
The charges against all three appear to be stone pelting, breaking cars, helping militants. But we have not seen any papers and the families have not yet been to Agra or engaged lawyers.

#### *Prongroo village, Handwara*

3 men have been arrested from this village and are still in jail. We met their families

1. Mohd Shafi Mir, s/o Mohd Maqbool Mir, age 35
2. Asgar Maqbul Bhat
3. Nadeem Mohd Sheikh

On 3<sup>rd</sup> September the police came to their houses and told them to come to Qalmabad PS in connection with an FIR of 2018. When Mohd Shafi Mir went with his father they were told he was wanted for stone pelting and attending the funeral procession of Manan Wani. His remand kept being extended.

Zahoor Ahmad, age 25 was wanted by the police. Since he wasn't home, they picked up his 17 year old brother Danish and kept him in the thana for 3 days till Zahoor came. Zahoor was inside for 18 days before he was released. He was accused of sloganeering.

## *Srinagar*

Arrest of OM, age 18, studies in class 12 Govt High School. 2<sup>nd</sup> October. OM was released on October 8<sup>th</sup>.

We met OM's family. 17 police cars came to the locality and the police jumped over the courtyard gate and forced the door open when they need only have knocked. They beat the women present with rifle butts and forcibly took away OM who was going upstairs to get his ID. OM's father was shoved to the wall and cracked his forearm and chest. The police also used pepper gas and tear gas.

*Community bond system:* Once a person is arrested, people in the community are asked to give surety. In OM's case, 20 elders from the area were summoned on a daily basis. Their IDs are taken and they have to spend 1-2 hours, sometimes the whole day in the police station.

### *Arrest for speaking to media*

Inayat Ahmad of Soura, shopkeeper, was arrested on 29<sup>th</sup> August for speaking to Al Jazeera and participating in protests. After 15-16 days in the thana he was taken to Srinagar central jail where he has been charged under PSA. The chargesheet said that he was involved in stone throwing on 7<sup>th</sup> August, which is not at all likely since he is the father of two kids. The first FIR was filed on 7<sup>th</sup> August (for stone pelting); A second FIR was filed on 30 August 2019 for participating in procession and shouting pro-Pak slogans.

## **Custodial Death**

3<sup>rd</sup> September 2019: Death of Riyaz Ahmad Thickri, Nandpora Bhandi ward of Bhandi village. Age approximately 20 years.

Bhandi is a Gujjar village and there are many forest cases against the Gujjars here. The villagers say the forest staff take bribes of 10-20,000, plus they have to pay the lawyers Rs 500 per appearance. With travel etc. it comes to Rs 1000 per appearance. One man said he has been attending court since 2005. Since 2010, the forest department has barred Gujjar routes with barbed wire.

Riyaz Ahmad had just returned from labour in Ladakh when the police came on 2<sup>nd</sup> September and summoned him to the thana in connection with a year-old timber smuggling FIR. On the 3<sup>rd</sup> the police went to his uncle, Jamaldeen Shabangi's house and took him to the PS. There they informed him that his nephew had committed suicide with the drawstring of his salwar.

Jamaldeen and others, however saw that Riyaz's nose was broken and the right side of his body from shoulder to hip was blue and bruised. A post mortem was conducted in Handwara hospital but the family has not been given a copy.

Riyaz's mother, Shirina Begum, is blind. He has three brothers, two younger who are now doing mazdoori. He was the main bread earner.

After Riyaz died in police custody there was a procession from Heral to Varpura, Qalmabad, but the police fired tear gas. They then seized the dead body and forcibly got it buried near his home before anyone could come. His uncle Jamaldeen was hit on the face during the protest.