

# From Front page...

## Ability To Garner Votes, Twitter Clout

even during the peak of militancy and poll boycott calls by separatists and militants.

The grounds of detention against Omar, who was chief minister of the state from 2009-14, state that on the eve of reorganisation of the state he had made attempts to provoke general masses against the revocation of Articles 370 and 35-A.

The grounds also mention his comments on social networking sites to instigate common people against the decisions on Articles 370 and 35-A which had the potential of disturbing public order.

However, the police have neither mentioned any of Omar's social media posts in the dossier nor in the order for grounds of his detention.

"To the people of Kashmir, we don't know what is in store for us.....stay safe and above all please stay calm," was the last few tweets of Omar before he was taken to Hari Nivas for preventive detention.

His political opponent and Peoples Democratic Party (PDP) leader Mehbooba Mufti has been accused of making anti-national statements and extending support to organisations such as the Jamaat-e-Islamia of the state, which has been banned under the Unlawful Activities (Prevention) Act (UAPA).

Restrictions have been put on communication links since August 5 last year. These were subsequently eased. Internet is functional at a few places through leased lines. Mobile internet facility has been made functional but with a speed of 2G with special instructions that it would not be used to access social media sites.

Omar and the 60-year-old Mehbooba Mufti had been under preventive detention since August 5 last year, when the Centre announced abrogation of Article 370 of the Constitution granting a special status and bifurcation of the erstwhile state into two union territories – Ladakh, and Jammu and Kashmir.

They were booked under the PSA on the night of February 6, barely a few hours before their preventive detention was to end.

## Omar's Sister

the maintenance of public order".

In her plea, Sara Abdullah Pilot has said that exercise of powers by authorities under the CrPC to detain individuals, including political leaders, was "clearly mala fide to ensure that the opposition to the abrogation of Article 370 of the Constitution is silenced".

It said the intent of exercise of power was to "incarcerate not just him (Omar Abdullah) but the entire leadership of the National Conference, as well as the leadership of other political parties, who were similarly dealt with including Farooq Abdullah, who has served the state and the union over several years... stood by India whenever the situation so demanded."

The plea has sought quashing of February 5 order detaining Omar Abdullah under the PSA and also sought his production before the court. Senior advocate Kapil Sibal, appearing for Pilot, mentioned the matter for urgent listing before a bench headed by Justice N V Ramana. Sibal told the bench that they have filed a habeas corpus petition challenging the detention of Omar Abdullah under the PSA and the matter should be heard this week. The bench agreed for listing of the matter.

In her plea, Pilot has said that on the intervening night of August 4-5, 2019, Omar Abdullah was put under house arrest and it was later learnt that section 107 of Code of Criminal Procedure (CrPC), 1973 was invoked to justify such arrest.

"There has been a grave violation of Articles 14, 21 and 22 of the Constitution," the plea said, adding, "similar orders of detention have been issued by the Respondents (authorities of union territory of Jammu and Kashmir) over the last seven months in a wholly mechanical manner to other detainees, which suggest that there has been a consistent and concerted effort to muzzle all political rivals".

It said there could be no material available to detain a person who has already been detained for previous six months and the "grounds for the detention order are wholly lacking any material facts or particulars which are imperative for an order of detention". It said the provisions of PSA were "wholly violated" and none of the conditions laid down to justify a detention order exists, "nor is even adverted to".

"It is rare that those who have served the nation as members of Parliament, Chief Ministers of a state, ministers in the Union and have always stood by the national aspirations of India are now perceived as a threat to the state," the plea said.

"In fact, a reference to all the public statements and messages posted by the detainee (Omar Abdullah) during the period up to his first detention would reveal that he has kept calling for peace and co-operation - messages which in Gandhi's India cannot remotely affect public order," it said.

The plea said Omar Abdullah was not even served with the material that formed the basis of grounds of detention order and its non-supply vitiates the detention, which is liable to be quashed.

"It is therefore of the utmost importance and of the utmost urgency that this court protects not only the individual's Right to Life and Liberty but also protects the essence of Article 21, which is the cornerstone of Part III of the Constitution, a violation of which is anathema to all that a democratic nation stands for," it said.

"Finally the order conflates 'governmental policy' with the 'Indian state', suggesting that any opposition to the former constitutes a threat to the latter. This is wholly antithetical to a democratic polity and undermines the Indian constitution," it said.

The plea said grounds on which Omar Abdullah's detention has been ordered are "false and illusory to the extent of being non-existent and are not grounds within the contemplation" of the PSA.

"Apart from the obvious fact that disagreement with the policies of the Central government is a lawful right of a citizen in a democracy (especially to a member of the

opposition), it is submitted that all such observations were not supported by any material whether in the form of social media posts or otherwise," it said.

It said that at no point of time in his "prolific political career", he has resorted to or indulged in conduct unbecoming of a "conscientious public figure".

The dossier handed over to him along with order of detention under PSA contains "patently false and ridiculous material" and he has been accused of "favouring radical thoughts" and of "planning and projecting his activities against the Union of India under the guise of politic" while enjoying the support of "gullible masses", it said.

"This exercise of power is ex-facie mala fide, for entirely political considerations and has nothing to do with the necessary ingredients required for exercising power under section 8 (1) of the Act of 1978," it said.

The grounds of detention against Omar Abdullah, who was chief minister of the state from 2009-14, claims that on the eve of reorganisation of the state he had allegedly made attempts to provoke general masses against the revocation of Articles 370 and 35-A.

Omar Abdullah, who has been junior foreign minister and commerce minister in Atal Bihari Vajpayee-led Cabinet in 2000, was served with a three-page dossier in which he was alleged to have made statements in the past which were "subversive" in nature.

## No Basis To Charge

daddy's girl" and encouraging people to vote has become a crime against the nation, Priyanka Gandhi asked on Twitter.

Her attack came after Abdullah's "considerable influence" over people, including the ability to attract voters to polling booths despite poll boycott calls and the potential for channelling energies of public for any cause, was cited in support of his detention under the stringent PSA.

His political opponent and Peoples Democratic Party (PDP) leader Mehbooba Mufti has been accused of making anti-national statements and extending support to organisations such as the Jamaat-e-Islamia. She was also reportedly referred in the report as being called by the masses as 'Daddy's girl' and 'Kota Rani'.

"Since when has being a 'Daddy's girl' and encouraging people to vote become a crime against the nation? I would be proud to be both!" Priyanka Gandhi said in a tweet.

"It's pretty clear that the government has no basis for charging Omar Abdullah and Mehbooba Mufti with PSA. They must be freed," she said.

Congress chief spokesperson Randeep Surjewala also attacked the government over the PSA dossier on the two leaders.

"It has now become a crime to encourage people to vote despite a call for boycott by separatists, and that too under PSA?" Surjewala asked in a tweet.

All leaders, parties and election commissioners have been committing this crime, he said.

"Where are the Supreme Court and Election Commission? 'Modi hai toh mumkin hai (If Modi is there, it is possible),' Surjewala said, taking a dig at the BJP's 2019 election campaign.

## Sunny Day In Kashmir

in south Kashmir, was the coldest place in the valley. Against minus 10.4 degree recorded on Sunday, the night temperature in the health resort was minus 9.4 degree.

The night temperature at world famous ski resort of Gulmarg, about 55 km from here in north Kashmir, also improved marginally from Sunday and settled at minus 9 degree.

The mercury during the night at Qazigund, gateway to the valley, Kupwara in north Kashmir and tourist resort of Kokernag improved and settled at minus 5.5 degree, minus 5.7 degree and minus 3.2 degree, respectively.

Meanwhile, there was still no respite for people from chilly weather conditions in Ladakh, where all water-bodies -- including lakes and streams -- remained frozen due to several degrees' below freezing point temperature. The people in the newly created Union Territory (UT) of Ladakh are mostly dependent on hot water springs during winter. The border town of Kargil was the coldest place in the region at minus 22.8 degree, followed by Leh, where the mercury settled at minus 14.8 degree.

## Poonch Residents Told

but only one had got completed so far while the work on the others is going on," he said. Aslam said he, along with his family, hid inside their house to escape the intense shelling. "It is the grace of the almighty that nobody is our village was hit despite heavy shelling," he said and demanded more individual bunkers to cover all residents in the village given its proximity to the LoC and frequent ceasefire violations from across the border. The heavy shelling of mortar bombs from across the border killed a soldier on Saturday last. "The Pakistani guns fell silent around 8 pm and there was no report of ceasefire violation by Pakistan from anywhere along the LoC," an army official said today. The heavy shelling of mortar bombs from across the border also triggered a forest fire in Mendhar sector and efforts are on to douse the flames, they said.

Naik Rajeev Singh Shekhawat, 36, was killed and three others were injured in the intense Pakistani firing in Degwar sector on Saturday, while several residential houses and cattle sheds suffered damages in heavy shelling in Mendhar and Balakot sectors on Sunday.

The army official said that the Pakistan Army used artillery guns and long-range mortar bombs to target forward posts and villages in the three sectors in the past two days. The Indian Army retaliated befittingly, resulting in a number of casualties on Pakistani side.

He said the army guarding the LoC are on high alert and keeping a close vigil as Pakistan is using the cross-border shelling to

push militants into this side.

Meanwhile, Pakistan today summoned Indian Charge d'Affaires Gaurav Ahluwalia to lodge a strong protest over the alleged ceasefire violation by the Indian forces on the Line of Control that injured 10 Pakistani civilians.

Pakistan's Foreign Office in a statement said that Director General (South Asia and SAARC) Zahid Hafeez Chaudhri registered the country's "strong protest" at the ceasefire violations by Indian forces in Jabbar, Sandhara, Sumbal Gali and Dabsi villages of Kotli district on February 9.

It said that in the firing, 10 civilians, including children and women, were injured. Separately, the Pakistan Army in a statement claimed that Pakistani troops responded to the firing, killing one Indian soldier and injuring three others, including a Major, and "substantial damage" inflicted on Indian posts.

## 13 Army Men, 2 Bsf

firing (CBF). "Very often militants attempting to carry out reconnaissance to facilitate infiltration also become casualties and these are then depicted as civilian casualties to portray India's action as being aggressive," Singh said.

Such portrayal is done to draw the attention of international media to CFVs and CBF, and divert the attention from the support provided to militants, who are trained by Pakistan in Pck (Pakistan-controlled Jammu and Kashmir) and its other areas, the minister said.

Appropriate retaliation to the CFVs, as required, has been carried out by the Indian Army or BSF, he said.

"In addition, all violations of ceasefire are taken up with Pakistan authorities at the appropriate level through the established mechanism of hotlines, flag meetings as well as weekly talks between the Directorate Generals of Military Operations of the two countries," Singh stated.

"The BSF, too, holds talks at various levels with its counterpart viz Pakistan Rangers," the minister mentioned.

Diplomatically, India has repeatedly emphasised, including at the highest level, the need for Pakistan to uphold the sanctity of the Line of Control and the International Border in Jammu and Kashmir as per its obligations emanating from the Shimla Agreement and the Lahore Declaration, Singh stated.

In January, February and March, there were 216, 251 and 275 CFVs, respectively by Pakistan along the Jammu and Kashmir border, the minister stated.

In October, November and December, there were 398, 333 and 393 CFVs, respectively by the neighbouring country along the border, he added.

At 190, the lowest number of CFVs in 2019, were observed in the month of June, according to the statistics presented by the defence minister in Rajya Sabha.

## 9 Cases Of Fratricide

two in Army and Air Force (2016); one in Army (2017); one in Army (2018); two in Army and Air Force (2019).

No case of fratricide has occurred this year till January 31, it said.

On another question, Naik said measures have been taken by the three services of the armed forces on this issue.

An elaborate mental health programme has been formulated and is in vogue since 2009. Sessions for stress management are organised at all major stations for the armed forces personnel at regular intervals, he said.

"Review meetings are held periodically for creating a stress-free environment and prevention of suicide," Naik said.

Service personnel who are at high risk of combat stress (vulnerable) are identified and counselled by unit commanding officers, regimental medical officers and junior leaders. Any stress marker or warning signs of stress are looked for and motivational talk is rendered to all, the minister said in the reply. "Specific measures include sensitisation of commanders on the subject, measures like provision of adequate married accommodation, good schooling, recreation facilities etc. "Religious Teachers (RT) JCOs, besides preaching religion, are also being trained to augment the availability of psychological counsellors in units," the reply said.

## Media Curbs:

become a routine exercise. The harassment and questioning of journalists in Kashmir on flimsy grounds by the J&K Police for their work is in fact a damning verdict on the appalling condition in which media is operating", it said.

"The restrictions on internet and forcibly seeking undertakings from news organizations for allowing limited internet access, constant surveillance by police and physical attacks and summons all are the tools designed and aimed to ensure only government-promoted version is heard outside. However, the meeting today made it clear that journalists are within their rights to report about the happenings from Kashmir impartially and truthfully", KPC asserted.

That the journalists have been harassed and are being subjected to harassment is evident by the fact that since August 5, several journalists reporting from Kashmir were summoned and questioned by police for their work.

Kashmir Press Club joined by all journalist bodies in Kashmir asked the government to stop practice of summons and attacks on journalists. Being the Fourth Estate, they said, the government should ensure freedom of speech and expression as guaranteed in the constitution instead of muzzling the press. "Viewing media as part of problem in Kashmir and blaming journalists for everything wrong is quite misplaced", KPC said.

Giving details KOC said on August 14 2019,

Irfan Amin Malik was picked up from his residence in Tral and let go next day without any reason.

"On 14th of August 2019, government forces barged into my house and detained me. I was kept inside the police station for a night. My family reached media facilitation centre where they along with media briefed government about my detention and then finally I was released," said MR Irfan.

On September 1, 2019 senior journalist Peerzada Ashiq who works for The Hindu

was summoned to Kothi Bagh Police Station where he was questioned and pressurized to reveal source of his story. "I was asked to reveal my sources, who shared official data on detentions with the newspaper," Mr. Ashiq was asked during the questioning.

In November, a freelance photojournalist Muzamil Mattoo was beaten in downtown Srinagar while covering KhojjeDigar prayers.

December 17, 2019: Two journalists, AzaanJavid (The Print) and AneesZargar (NewsClick) were beaten up by police in full public glare in Srinagar while covering a protest. Despite assurances by the police, no action was initiated against the accused cops. They saidthe police officer who was part of the officials who thrashed them explicitly said "Why did you carry stories against me?" referring to stories filed earlier.

On November 30, Bashaarat Masood (Indian Express) and Hakeem Irfan (Economic Times) were summoned to Cargo where they were grilled by police officials for their stories. The duo said that they were asked to reveal their sources and how did they manage to get the documents.

On December 23, Bashaarat Masood of Indian Express and SafwatZargar of scroll were stopped by police at Handwara while they were on an assignment. They were taken to the office of Superintendent of Police Handwara. They were questioned about the story and told that by doing the story they are trying to provoke the situation.

Naseer Ganai, who works with Outlook magazine along with a journalist Haroon Nabi was summoned to the Cargo on February 8 where they were questioned for reporting a statement of JKLF which stands banned by the government. "I was asked to reveal email ID from which I had got the statement," said Ganai.

## NC MP's Son Slapped

union territory administration felt that his release could hamper the law and order situation in north Kashmir, the officials said.

"You being a probable MLA candidate of National Conference are a probable threat to the public peace and tranquillity as you belong to the party whose manifesto is to agitate against the abrogation of Article 370, 35-A of Constitution of India," the two-page detention order said.

It said that "being a poster boy of NC" and son of senior party leader Mohd Akbar Lone of Sonawari locality, he will find it easy to exploit the innocent people and will instigate them to agitate and protest against the abrogation of the special status.

Hilal Lone was accused of threatening the sovereignty of the country over his remarks, made during the campaigning for the parliamentary election last year, that his party will fight "till the last breath" if the special status was withdrawn.

"You acted behind the veil and instigated your works (sic) to get ready against any possible move of abrogation of special status," the order said.

The PSA order also accused him of impeding the state agencies whenever they acted against "anti-national elements".

The administration has slapped PSA against several leaders, including former chief ministers Omar Abdullah and Mehbooba Mufti, since February 5.

Mohammad Akbar Lone represents north Kashmir's Baramulla in the Lok Sabha.

## NIA Summons Cong

Sarooi, 67, is Jammu and Kashmir Congress vice president and three-time legislator from Inderwal constituency of Kishtwar.

The communally sensitive Kishtwar was rocked by a series of militancy related incidents since November 2018 after the hilly district was declared militancy-free over a decade ago. The militants made their appearance felt in Kishtwar town when they shot dead senior BJP leader Anil Parihar and his brother Ajit Parihar on November 1, 2018, while RSS functionary Chanderkant Sharma and his PSO were assassinated on April 9, 2019. The militants also snatched the service rifle of the deputy commissioner's PSO Daleep Kumar on March 8 and the rifle of PSO of People's Democratic Party (PDP) district president Sheikh Nasir Hussain on September 13, last year. The NIA is investigating the cases in the district. The first major success against the militants operating in the district was registered on September 28 last year when government forces killed three ultras, including the mastermind behind the killings Osama Bin Javed, in an encounter in Batote area of Ramban district. The major breakthrough came when the militants were fleeing an offensive by the government forces which saw over a dozen Hizbul Mujahideen militants and their overground workers arrested and several of their hideouts busted in Kishtwar district. In September last year, Saroori's brother Mohammad Shafi was among a dozen persons booked in two separate FIRs for their alleged links with Hizbul Mujahideen outfit in the district. However, Shafi refuted having any links with Hizbul Mujahideen militant outfit and said the allegations against him are "politically motivated" to malign him and his family's image. Shafi had also said that he was open to free and fair probe, and hopeful that truth would prevail once such an investigation was conducted.

Another Batch of a possible voting by the European Union (EU) Parliament on a debate held last month on Kashmir and the Citizenship Amendment Act (CAA).

At that time, the voting was deferred and it may now take place during the next plenary session of the EU Parliament to be held from March 31.

The EU envoys had refused to take part in an earlier visit of diplomats, saying they needed some time to discuss among themselves. The envoys had also said they would visit Kashmir together.

## Another Batch

The central government had on August 5, 2019 abrogated Article 370 and bifurcated the erstwhile state Jammu and Kashmir into Union territories, Jammu and Kashmir, and Ladakh.

Earlier, a delegation of 23 EU MPs had visited Kashmir to access the ground situation in the Union territory.

The International Institute for Nonaligned Studies, a Delhi-based think tank, which had organised the visit then faced criticism for choosing people with certain ideological bent for the visit.

Owing to the controversy, the state government had distanced itself from the visit and Union Minister of State for Home G Kishan Reddy informed the parliament that the European parliamentarians were on a "private visit".

## In A First, Outside Companies

government while some preferred moving to places outside the valley (to avoid the crowds at internet touch points in Kashmir) for submitting applications online, sources said.

But, the contractors said, they could not compete with the companies from outside Kashmir. Official data accessed by Kashmir Observer shows that most of the mining contracts have gone to companies from outside Kashmir. For example in Srinagar district, all the 10 blocks went to the companies from outside Kashmir (table attached) against a bidding amount of five crore rupees as also all the five blocks of Budgam against a bidding amount of 1800,000.

In Pulwama, local contractors have managed to successfully bid for 40 percent of the blocks even as 60 percent of the blocks have gone to companies from outside Kashmir with total bidding amount of 48 crore rupees. In Baramullah, out of the 35 blocks, 28 blocks have been auctioned so far out of which 19 have gone to companies from outside Kashmir against a bidding amount of 19 crores.

Locals who exclusively used to do sand mining and mining of other minerals in River Jhelum and its tributaries, said that they were not allowed a level playing field during the application process. "That the entire process of auctioning of the mineral blocks in Kashmir was ill-intentioned right from the beginning, can be gauged from the fact that Kashmir-based contractors had to apply online when there was no internet in Kashmir," said a contractor from Srinagar who did not wish to be named.

He said that the auction notice for auctioning of 10 mineral blocks in Srinagar was published on December 21 when there was not even 2G internet [mobile data] available here in Kashmir. "The government told us that we can fill up and submit the forms at the government's internet facilitation centers, but they were too crowded. So, I decided to go to Delhi for submitting the form. But I was so unlucky that I had forgotten an important document at home due to which my application got rejected," said Kashmiri contractor.

So far, the mining rights were exclusively with the Kashmir-based contractors and all the livelihood opportunities from exploitation of resources from Kashmir's commons were being availed by the locals. For example, figures available at Kashmir's Geology and mining department suggest that sand worth somewhere around 250 million rupees used to be extracted from Kashmir's water bodies by locals, particularly from River Jhelum and its tributaries, through organized and unorganized sectors in a calendar year.

Even when sand mining and mining of other minerals was done by Kashmiri contractors, there were always environmental costs associated with the mining. A lot of scientific research has shown that mining in rivers has environmental and other consequences.

According to the research published on the website of Centre of Mining Environment, Indian Institute of Technology (ISM), Dhanbad, the large-scale extraction of streambed materials, mining and dredging below the existing streambed, and the alteration of channel-bed form and shape leads to several impacts such as erosion of channel bed and banks, increase in channel slope, and change in channel morphology.

"These impacts may cause: (1) the undercutting and collapse of river banks, (2) the loss of adjacent land and/or structures, (3) upstream erosion as a result of an increase in channel slope and changes in flow velocity, and (4) downstream erosion due to increased carrying capacity of the stream, downstream changes in patterns of deposition, and changes in channel bed and habitat type," it says.

Now that close to 300 blocks are being formally thrown open for mining of minerals in Kashmir, there are apprehensions that large scale mining for sand and other minerals from River Jhelum and its tributaries can lead to severe environmental consequences. "When you mine intensively in Jhelum and its tributaries, it is certainly going to leave an impact on local ecology as also on flood management in Kashmir," said an engineer in Irrigation and Flood Control Department on the condition of anonymity. "For example, when massive exploitation of minerals is done in tributaries of Jhelum, it will increase the velocity of river flow, which, in turn, can result in instant flooding and over siltation in our water bodies such as Wular," he said.

However, the joint director of Geology and Mining Department, Imtiyaz Ahmad Khan, said that these concerns will be taken into consideration when the permission for starting the work is granted to the successful bidders. "The process is yet to complete. We will take all the environmental concerns into consideration," Khan said.

## Nia Takes Over

five people, including a cousin of the suicide bomber who killed 40 CRPF personnel in a deadly attack last year in Pulwama.

The militants were killed in a fierce gunbattle with police at a toll plaza on the Jammu-Srinagar highway on January 31, officials said. The militants were travelling in a truck towards the Kashmir Valley.

## CASO Conducted

so far no contact was established with the militants.

## Hospital, Resto sealed

has directed suspension and initiation of disciplinary action against the concerned SMC ward officer and enforcement wing officials, the spokesperson said.