

**Editorial: Continuing
Rightlessness in Kashmir and
The Threat of
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**CONTINUING RIGHTLESSNESS IN KASHMIR
AND THE THREAT OF DISENFRANCHISEMENT
IN BIHAR**

This edition will focus on two significant landmarks: namely, the sixth anniversary of the abrogation of Article 370 in Jammu and Kashmir and the demotion of J&K from being a State to a Union Territory, as well as the Special Intensive Review process in Bihar.

The sixth anniversary of the abrogation is a moment which marks a continuing state of violation. In 2023, the Supreme Court set its imprimatur on the decision to abrogate, giving a veneer of legality to a bad-faith decision by the Union Government. However, the decision cannot legitimize the fundamental injustice of taking away the right of a people to represent themselves. The fact that a state was unilaterally converted to a Union Territory and Article 370 was abrogated without the consent of the people of Jammu and Kashmir does injustice to both the principle of democracy and that of federalism, underlying the fundamental legitimacy deficit.

In 2025, the horrific Pahalgam attacks happened, giving the lie to the state narrative of normalcy and pushing India and Pakistan to the brink of an all-out war. The various contributions in this edition will draw out the

implications of Pahalgam for human rights. However, it should be noted that in spite of six long years having gone by, in the fundamental structure, the violations continue to belong to the same mould: denial of the rights of an entire people. It is in this context that we have chosen to reprint two essays by one of the foremost chroniclers of Kashmir's contemporary travails, namely Anuradha Bhasin. While the first piece delineates the post-Pahalgam situation, the second piece, though written in 2024, is still very relevant in terms of the wider analysis on the stifling of voices of journalists, civil society, and continuing distress and discontent which remain in place in Kashmir today. We are also publishing other reflections on human rights in Kashmir today by those in Kashmir and outside Kashmir. We are also publishing a piece in the online version of the Bulletin titled 'Poetry as Resistance' which goes to Kashmir's poetic traditions to sketch out a strong tradition of freedom, which, though '*shadowed by conflict*', carries '*hope like light filtering through chinar leaves*.' To read this section is '*to listen—to Kashmir, through the voices that never stopped humming*.'

This edition also focuses

attention on the Special Intensive Review (SIR) which has been hastily announced by the ECI for Bihar, which faces elections this year. With this process underway, the question of political democracy and the principle that every person has the right to vote has now come under a cloud. The right to vote is now sought to be made contingent on documents which are difficult to access for most Indians. The SIR process is transforming universal adult suffrage from a fundamental right into a privilege. This illegal exercise is likely to result in the exclusion of voters and thereby defeat democracy using the very tools of democracy.

The SIR drive poses a challenge to the 'right to have rights', namely the right to be recognised as a citizen. Keeping this in mind, PUCL joined other petitioners in challenging the constitutionality of the SIR process. The PUCL's constitutional challenge to the SIR is based on the argument that the impugned SIR process represents a direct assault on India's constitutional democracy, violating the grundnorm of popular sovereignty enshrined in "WE, THE PEOPLE." By abandoning statutory house-to-house surveys for arbitrary document-centred exclusions, creating impossible timelines, and systematically marginalized communities, the Election Commission has perverted the constitutional mandate and inverted the principle of inclusion to that of exclusion.

However, it is apparent that the fight against the tool of disenfranchisement, which is the SIR, has to have a legal

component but must also have a campaign, if not a movement dimension. It is imperative that this campaign dimension of the opposition to the SIR also be built up. On 24th July, the Bihar Unit of PUCL took out a massive protest march against the unconstitutional and anti-people Special Intensive Revision (SIR) of the Voters' List in Bihar. The march was joined by more than 400 men and women – mostly common poor living on the edge, the most vulnerable community who risk disenfranchisement due to this ill-planned and ill-timed exercise of voter revision.

There was also a day-long jansunwai organised by civil society groups which sought to document the ground experience of the SIR in Bihar. About 250 ordinary people from 19 districts across Bihar, mostly villagers and a majority of them women, shared their stories of the failure of the process till now. The jansunwai ended with a unanimous call to annul the SIR. A study of migrant workers by SWAN has also empirically demonstrated the low awareness of the SIR process and the documents required to complete the same, as well as a deep suspicion that this will become a mode of disenfranchisement. Similarly, the study by Sarfaraz also documents similar concerns of lack of documentation and poor information in some of the slums in Patna.

The state's response to this exposing of the disenfranchisement which the SIR process means has been confused and heavy-handed. The filing of an FIR against senior journalist Ajit Anjum for his reporting on the failures of the

SIR is indicative of an attempt to suppress the truth.

Finally, this month also saw the successful conclusion of the 17th PUCL National Convention in Ranchi on the theme of 'Upholding civil liberties to achieve social, economic and political justice'. The conference thematic, 'Upholding civil liberties to achieve social, political and economic justice', points to how civil liberties are inextricably interwoven with the objective of achieving social, political and economic justice. The essence of civil liberties lies in the right to speech, the right to form associations, and the right to assembly. Thus, the right to social, political and economic transformation is embedded in the three associated rights of speech, association, and assembly. However, these three rights are increasingly under threat in states around the country through extraordinary laws (such as the UAPA, IT Act, NIA Act, state security laws such as the Maharashtra Public Safety Act and the Chhattisgarh Public Safety Act). However, increasingly one witnesses the ordinary laws being instrumentalized to unreasonably restrict the right to protest in states around the country where it is difficult to find a place to protest.

The conference report, the report of the General Secretary, and the Presidential Address, along with numerous responses to the conference, will be published in the next Bulletin.

IF THE PHOTOGRAPHS DIDN'T BELONG TO THE PAHALGAM ATTACKERS, WHAT WERE THE ACTIONS BASED ON?

ANURADHA BHASIN

Two months after the brutal Pahalgam attack, the launch of 'Operation Sindoor' resulting in a three-day limited war between India and Pakistan and the narrative of a 'successful operation', the National Investigation Agency (NIA) probing the gruesome killings in the Pahalgam incident finally got a faint scent of the probable suspects involved – the food trail of the attackers.

After two months of circulating sketches of three suspected terrorists and listing some names of the suspects, with some variations, the NIA has rejected the theory behind the sketches. The men named earlier may not be involved, it says. All the attackers were from Pakistan and none from Kashmir. According to what is available in the public domain, the NIA has based its presumptions on the revelations by two locals in Pahalgam who are alleged to have provided food and shelter to the attackers.

Whether the NIA is reaching closer to the truth or further adding a layer of opacity, these findings raise several questions. The most important is that if the main culprits are still at large and their identity still not clear, what compels the Indian government to frame its response to the Pahalgam attack as 'successful'? Were these actions based on the identity of the suspects whose photographs were flashed and names kept altering. Based on police versions, the first set of media reports suggested that the suspects had been identified as Asif Fuji (Pakistani), Suleman

Shah (Pakistani) and Abu Talha (Pakistani).

As the days progressed, the identities underwent a significant change: Ali Bhai alias Talha (Pakistani), Asif Fauji (Pakistani), Adil Hussain Thoker (from Anantnag) and Ahsan (from Pulwama). The new list accommodated both the Pakistan based militants and locals. The response in the aftermath of Pahalgam was multi-pronged – both external and internal.

It included bombarding the suspected hideouts of the terror networks operating from Pakistan, at the risk of bringing two nuclear neighbours close to a full-fledged war and the tragic reality of loss of many civilian lives.

On the internal front, it involved sweeping arrests and detentions of at least 2800 people in Kashmir, over a hundred of whom are detained under PSA, and an unspecified number of people are released or still detained. In a glaring case of collective punishment, it also included the blasting of at least nine houses belonging to families of alleged terrorists, an operation that led to severe damages to the entire neighbourhood, as two in-depth investigations by the Kashmir Times reveal.

Adil Thoker was one of the militants whose house was demolished in South Kashmir. Now the NIA says, he wasn't involved. Among the eight other demolished houses was that of Farooq Teedwa in Narikoot

village in Kupwara district. An expose by the Caravan reveals that Farooq had disappeared 35 years ago in 1990 and was retroactively linked to the Pahalgam attack.

Coinciding with this massive crackdown were allegations of custodial killings which are now difficult to see as simple aberrations. Within days of the Pahalgam killings, Police killed Altaf Lalli, and described him as a militant. However, according to his family, Altaf Lali was a simple shepherd and father who was regularly detained by police as a suspected "overground worker" and was killed in what they believe was a staged encounter after being forced to pose with weapons.

On May 4, Imtiaz Magray, another person picked up by the security forces for questioning was killed allegedly in a staged encounter. While his family claimed he had no militancy background, the Police, however, maintain that he was an Over Ground Worker who tried to attack them when they took him for recovery.

These actions were based on the preliminary theory which was spun within less than a day of the attack, even as there was no trail of investigations or knowledge of the perpetrators other than a statement of The Resistance Front, a shadowy terror group that was floated after 2019 and that is believed to have close ties to Pakistan based Jaish-e-Mohammad and Lashkar-e-Toiba.

Four days after the attack, the TRF mysteriously distanced itself from the statement, explaining that the previous statement was a 'cyber attack'. The explanation seems implausible. Why should it take them four days to backtrack if it was a simple case of digital intrusion? Within Kashmir, a common perception is that the TRF was caught on the backfoot by the massive outpouring of local outrage over the attack.

While it is difficult to place much reliance on the TRF claims, a faceless group that operates via Telegram App, the more crucial question is what the basis of the initial suspect identification by the Police was.

India launched Operation Sindoor claiming it had clinching evidence against Pakistan based terror groups. What was this clinching evidence when the NIA has rejected the preliminary and subsequent suspect identity theories? If the attackers are still unknown and freely roaming

around, how were the masterminds identified?

Was it merely based on the assumption of involvement of Pakistan in several terror incidents in Kashmir and rest of India in the past? It is quite plausible that the militants involved in Pahalgam attack were getting their orders from the terror outfits freely operating in Pakistan, often with the support and patronage of the ISI. That's no secret. Yet, the claims of 'clinching evidence' theory now fall flatter with the NIA's latest theory.

The truth, thus far, is that none of those who were directly involved in the attack have been nailed. They have vanished in thin air and the investigations are simply caught in the web of inconsistencies of narrowing down their identities.

Then, far from the theory of 'successful response', was the response of the government

either pragmatic or justified both externally and internally? Not only has it brought down the threshold of the war, but it has also further alienated an already suffocated population through a continuum of crackdown, detentions and demolitions which cannot be legally or morally justified. The convergence of both can yield consequences that could be extremely disastrous.

After the NIA's latest prize catch of two suspects who allegedly fed and sheltered the Pahalgam terrorists, Chief Minister Omar Abdullah raised the question about whether the two suspects had willingly done so or whether they had done it at gunpoint. Certainly, a valid question given the many layers of the shadowy and dirty war in which people are caught.

But certainly, it's a digression. The real questions still need to be asked two months on.

THE SILENCE OF KASHMIR, AND THE DANGEROUS FALSEHOODS OF DEMOCRACY, DEVELOPMENT, PEACE

Anuradha Bhasin

For Prime Minister Narendra Modi, Kashmir continues to be an election prop. His chest-thumping about his 'enthusiastic' Kashmiri audience, which comprises forcibly corralled government employees, and his self-congratulatory remarks about peace and development conveyed that Kashmir continues to be a selling point for elections in the rest of India.

For the Kashmiris, still recovering from the shock of the Supreme Court's verdict in December 2023 over the petitions challenging

Article 370 dilution, in abject dissonance from the constitutionalities and merits of the case, such words proclaiming that 'hearts had been won' and 'an era of progress established' amount to rubbing salt over their wounds.

The hype versus truth

An imagined paradise that the Indian prime minister tries to weave glosses over the disenfranchisement of people of Jammu and Kashmir who have not had assembly elections since

2014. There's also the exacerbated militarisation, the routine internet shutdowns, and the harassment of politicians, civil society activists, journalists, and dissenters to maintain a climate of fear, humiliation, and unproductiveness.

This has particularly been the case since 05 August 2019 when the government revoked Article 370, ending Kashmir's historic semi-autonomy. The move to integrate the region and bring it under direct control of New Delhi partly disenfranchised the

people, and the climate of tyranny has intensified exponentially with each passing day.

The prime minister does not speak about these ground realities, and the world remains ignorant because the media has been censored and silenced. The Indian government's boastful claims of democratising Kashmir fall flat on several counts.

The signs of democracy are free and fair elections, a system of accountability, a healthy and participatory civil society, an independent press, and equitable development based on the needs and aspirations of the people. A cursory dissection of these essential elements of democracy will reveal that what is happening is simply the opposite.

A region without elections

Any fair assessment of electoral democracy in Kashmir must consider the history of political manipulation by New Delhi in the last seven decades. In the past, rulers have been overthrown and even jailed, and elections notoriously rigged. New Delhi has violated democratic principles by positioning its favoured politicians.

The Bharatiya Janata Party (BJP) government under Prime Minister Modi has completely disenfranchised Jammu and Kashmir. While no elections are held, coercive and intimidatory tactics like arrests and police raids have been employed to co-opt politicians or silence them.

After 2019, the once vocal civil society disappeared as nonprofit organisations and activists were

intimidated and threatened with income tax and money laundering cases, and some faced anti-terror raids.

World-renowned human rights activist, Khurram Parvez, picked up under the Unlawful Activities Prevention Act (UAPA) in November 2021, remains in Tihar jail. His arrest impacted other activists working on the ground, halting their work entirely.

In even the most turbulent phases of Kashmir's conflict, civil society has survived, and people's resistance has been visible – though the ways of resisting change. Street protests, peaceful demonstrations, sit-ins, and creative articulation of dissent through art, poetry, writings, graffiti, and resistance were a part of everyday life.

Since 2019, such campaigns have stopped. Artistic resistance has gone underground, and even indoor public discussions are banned. Any debate about Kashmir by civil society members is disallowed in other parts of the country.

Independent press stifled

Today, free and independent press is nonexistent in Kashmir. Journalism in the conflict region was already challenging and already to some extent been compromised before 2019 when the BJP government began its stringent crackdown, starting from internet shutdown and progressing to harsher punitive actions like police raids, arrests, and criminal charges against professionals.

Four journalists are in jail, some of them under draconian

provisions of anti-terror laws. Solidarity organisations like the Kashmir Press Club have been forced to shut down. Many journalists are barred from travelling abroad, and some have had their passports suspended. Repeated summons to police stations where journalists are subjected to long hours of detention and gruelling interrogation are a routine affair.

All this has instilled a deep fear among journalists, and many have resorted to self-censorship. Local newspapers are no longer critical of the government. They carry content about the government's achievements on their front pages and are rewarded with government advertisements. In other words, the only kind of narrative that thrives in J&K is peddled or endorsed by the government.

Hollow development claims

There is increased talk about tourism and development but there is little evidence to show there has been an effective change. Besides, the government data from different sources is often contradictory and unclear. For example, in October 2022, the local press reported that investment projects worth ₹10,000 crore (about USD 1.19 billion today) were made in J&K, but the Ministry of Home Affairs (MHA) data released in parliament a few months later noted that the total investment in 2021-22 was only ₹376.76 crore (about USD 45.19 million today).

As for tourism, according to officials, "one crore" (10 million) tourists visited last year, and the projected number of tourists for 2023-24 is 20 million. These are

unrealistic figures, unless the data for tourists and religious pilgrimages has been clubbed together, which effectively means that it is the same as it was about a decade ago.

External Affairs Minister S. Jaishankar has claimed that Article 370 revocation enabled the introduction of 'progressive laws'. Such rhetoric, used to burnish the image of government, overlooks the fact that a massive restructuring of laws and policies, particularly those related to land, business investments and jobs have made it easier for the government to acquire substantial land holdings in the name of security or development as well as deem owners of lands (under previous laws) as 'encroachers'.

The so-called 'progressive laws' have encouraged large-scale evictions, demolitions and an increase in homelessness (from less than 20,000 to about 200,000). With business contracts and investments now open to people from outside the state, big crony capitalists are getting to pay a pittance for land and contracts while the locals are being marginalised even concerning jobs in the

government sector.

Distress and discontent

There is discontent today, not only in Kashmir Valley but also in Jammu and Ladakh, over the marginalisation of local businesses, economic losses, exorbitant electricity bills, and the ecological impact of the government's reckless development plans.

Ladakh, which had initially celebrated the downgrading of the state and the revocation of its special status in 2019 is today out in the streets demanding constitutional guarantees, job opportunities, end to reckless development plans that are not aligned with the aspirations of the people and statehood. The voices from Ladakh convey what the silence in Kashmir fails to.

If we look at the significant identifiers of democracy – elections, strong civil society, independent media, equitable and inclusive development – none of this is part of 'Naya Kashmir' (new Kashmir) that the Indian government boasts about.

While a perception that the people of J&K are being

integrated is being created, the reality is they have been increasingly alienated since 5 August 2019. With Article 370 of the Constitution struck off, people have been demoted and disenfranchised not just politically but also as citizens. Civil liberties are in tatters, not just through military repression but also through subtle actions and words. The veneer of silence hides the extent of disappointment, alienation, and anger.

There may be dangerous repercussions. We are already witnessing the increasing trajectory of militancy in Kashmir, which has extended from the Valley to the border districts of Rajouri and Poonch. The people's silence cannot be interpreted as a "peaceful atmosphere." That only makes us oblivious to the impending dangers.

(Anuradha Bhasin is executive editor of the Kashmir Times, Jammu, and a Senior Knight Fellow at Stanford University. The article is based on her talk organised by the Indian Diaspora Washington DC Metro, in 2023.)

KASHMIR SIX YEARS AFTER ABROGATION: INTEGRATION, CONFLICT, AND UNRESOLVED STALEMATE

A Concerned Citizen

Kashmir occupies a singular and exceptional position, distinct from conventional geopolitical spaces. Its political landscape is equally unique, perpetually serving as the focal point for hyper-nationalist discourse and a stridently patriotic — often jingoistic — culture pervasive within the Indian media, political

rhetoric, foreign policy, and cinematic representations.

Invariably, actions and narratives concerning 'Kashmir' unfold under the overarching headlines of "national security." 'Kashmir' here transcends the geographical confines of the Valley. It signifies the entirety of the former princely

state of Jammu and Kashmir, incorporating Ladakh. Historians note this broader entity was frequently referred to metonymically as 'Kashmir,' reflecting the Valley's disproportionate historical focus — a practice dating to its existence as an independent princely state.

Post-2019, Jammu and Kashmir exists as a centrally governed Union Territory (UT), distinct from Ladakh, which became a separate UT. This division resulted from the Bharatiya Janata Party (BJP)-led government's decision on 5 August 2019 to abrogate Article 370 of the Constitution, which had granted the erstwhile state special status. While J&K was not the only state with constitutional special provisions, its geopolitical reality elevates "national security" to paramount concern.

Geographically, J&K borders Pakistan, China, and Afghanistan. With two nuclear-armed neighbors — Pakistan, which views Kashmir as integral to its identity and controls part of the territory, and China, which asserts claims over Ladakh, sparking violent clashes — J&K is a prisoner of geography. This positioning renders it a frontline where Pakistan seeks to project influence through "all means necessary," perpetuating cycles of violence that destabilize the region. Concurrently, Indian politicians often attribute Kashmiri "alienation" to historical policies: granting special status, engaging separatists in dialogue, and bilateral talks with Pakistan over the Kashmir conflict.

In this context, "national security" becomes the overriding imperative for New Delhi. Justifiable or not, this framework reduces the people of J&K to a binary: separatists or Indians. Such categorization transforms them into extensions of a political apparatus, rendering their grievance secondary to state imperatives. The intense politicization of Kashmir also

commodifies its pain — exploited by mainland India's news industry and electoral politics.

The Abrogation & Aftermath

On 5 August 2019, the government abrogated Article 370, bifurcating the state into the UTs of Jammu & Kashmir and Ladakh. J&K was placed under unprecedented lockdown: politicians jailed or detained (including former Chief Ministers), communications blacked out, and movement restricted under curfew-like conditions. This unilateral move —fulfilling a BJP manifesto promise—effectively silenced local voices. Decisions were imposed, futures predetermined. J&K thus became the first Indian state demoted to UT status—twice over. Its people, long accustomed to endurance, bore this new chapter with characteristic patience—a silence often mistaken for acquiescence.

Mainland India erupted in celebration, heralding a "victory over separatism." Narratives proclaimed Kashmir "fully integrated," as if its previous status had been ambiguous. Media lauded the move as a blow to Pakistan's "divisive politics," framing it as a conquest ushering in an era of "freedom," "development," and "peace" after decades of terrorism.

Hope for judicial intervention ended on 11 December 2023, when a five-judge Supreme Court bench, led by Chief Justice D.Y. Chandrachud, upheld the President's authority to unilaterally revoke Article 370. The verdict declared the abrogation the "culmination" of J&K's integration with India.

Political Fractures & New Alignments

Kashmiri politicians responded by forming the "Gupkar Alliance," uniting rival parties under a common minimum program demanding statehood restoration and the reversal of constitutional changes. However, this coalition fractured during subsequent elections. Analysts like Vedika Rekhi termed the abrogation a "watershed moment... sending ripples through the region's socio-political fabric," igniting "a tinderbox of conflicting emotions" woven with "both hope and potential pitfalls" (Modern Diplomacy).

The BJP hailed the Alliance's collapse as a return of "political agency" to the Valley. Meanwhile, Engineer Rashid, an incarcerated leader facing terror-funding charges, secured temporary bail. Launching a vitriolic campaign against the National Conference (NC) and Peoples Democratic Party (PDP)—denouncing them as "traitors"—he won a parliamentary seat, defeating former CM Omar Abdullah. Rashid later returned to jail, his victory secured.

This reshaped political topography birthed the Justice and Development Front (JDF), largely comprising members of the banned Islamist group Jamaat-e-Islami (JeI)—historically linked to the secessionist movement.

Though the JDF failed to win seats, it later joined Sajad Lone and Hakim Yasin in the "Peoples Alliance for Change" (PAC). Many in Kashmir view the PAC as a New Delhi-backed effort to

undermine the NC's grassroots influence, which remains potent for mobilization. Post-2019 politics is widely perceived as New Delhi's strategy to control regional parties, breeding public suffocation and hopelessness. As scholars Mohd Amin Mir and Adil Hussain Bhat argued (Taylor & Francis, 2024), the abrogation "widened existing political faultlines," marginalized mainstream politics, centralized power, and spurred "new political players and a new breed of militancy."

Security: The Unresolved Equation

While militancy dipped post-2019, it persists. On the abrogation's fifth anniversary (4 August 2024), Union Minister Dr. Jitendra Singh claimed India was in "the last phase of militancy," citing record tourist arrivals as proof of peace.

This narrative shattered a year later. A brazen daytime terrorist

attack in Pahalgam killed 26 tourists. The perpetrators—alleged by India to be Pakistan-based "non-locals"—vanished. This triggered a four-day military confrontation between India and Pakistan, involving airstrikes, drone attacks, and missile exchanges. The escalation, unprecedented in intensity, required U.S. intervention to de-escalate.

The conflict instantly revived the "Kashmir question" with renewed urgency. Analysts like Praveen Sawhney noted Pakistan gained diplomatic leverage, backed by China, Turkey, and Azerbaijan. India retaliated by suspending the Indus Waters Treaty.

Conclusion: Enduring Questions

Claims of Kashmir's "full integration" now face deeper scrutiny. The military confrontation exposed the fragility of the "normalcy" narrative built on suppressed

protests and tourist numbers. Critics, including former J&K Lt. Governor Satyapal Malik, accuse the BJP of "milking Kashmir" politically—comparing it to the alleged exploitation of the 2019 Pulwama attack for electoral gain.

While militancy may have shifted tactically towards Jammu's forests, violence continues in Kashmir. The recent India-Pakistan clash underscores how the Kashmir conflict transcends local hartals. Six years after the abrogation—and a decade after the BJP's "muscular policy" began—the failure to alter Kashmir's fundamental realities is stark. If two military incursions into Pakistan (2016, 2019) could not resolve the conflict, Kashmiris increasingly question New Delhi's intentions. The cycle of violence, political manipulation, and geopolitical fragility persists, leaving the people of J&K caught in an unresolved stalemate.

SYED ADIL HUSSAIN SHAH, NOT TERRORISTS, REPRESENT THE SPIRIT OF JAMMU & KASHMIR

Sandeep Pandey

Sanjeev Kumar is a school teacher. He and his wife Rashmi lived with their only son, thirteen and a half year old Vihan, in Poonch. In the early hours of 7 May around 2-2:30 am there was lightout, TV had started airing scenes of shelling. Vihan started shivering and had to be given medicine. He went to sleep but at 4:45 am another blast woke him up half an hour later. Operation Sindoor was in full swing. He started sending messages to his friends. He was happy that Narendra Modi had avenged the killing of tourists in Pahalgam.

Sanjeev tried to divert his attention by engaging him in a mathematics exercise which Vihan completed in no time. He then ventured out and picked up a splinter which Rashmi took away from him. That is when Rashmi had a premonition. By now relatives and friends had started leaving Poonch for a safer location. They too decided to leave in their car. Within ten minutes their car became the unfortunate target of shelling. When Sanjeev became conscious he saw Rashmi unconscious in the seat in front

next to him. As he turned he saw Vihan too lying unconscious. When he held Vihan's chin, pieces of flesh from Vihan's brain came into his hand. Sanjeev and Rashmi have lost their only child. Now there is no meaning for patriotism, security, strategy, foreign policy, etc. for Sanjeev. He and Rashmi, who is unable to even utter a word, feel that there is no future for them. He feels let down by the government as the people were not pre-informed of the war. He regrets that the government did not evacuate citizens to a safer location. He

asks passionately, 'Is it not government's duty to save common citizens of the country in the time of war?'

This is a common refrain across Rajouri, Poonch, Uri - the areas worst affected by recent India Pakistan war. The government informed Pakistan before strikes on nine terrorist locations. Could it not have informed its own citizens? The people were told that there would be mock drills on 7 May. Instead the war started and people were left befuddled, to fend for themselves.

The second complaint people of the border districts along the line of control is whereas people from mainland India were beseeching the Prime Minister for launching a decisive attack on Pakistan and media houses going a step further were claiming capture of Pakistani cities, nobody in the border areas wanted war because they are the ones who suffer. They have suffered wars earlier and are not sure if they have seen the last one. They invite the warmongers to spend one night in border areas when shelling is taking place. Only then the jingoists would realize the horrors of war. It is easy to sit in a TV studio and claim victory over Pakistan. The reality is that either because of US intervention or a bilateral agreement the war was stopped sooner than was being expected. The Hindutva supporters were disappointed with Narendra Modi that he stopped the war too soon. But any wise leader in place of the Prime Minister would have done what Narendra Modi did. Otherwise we would have added to the list of unending wars like Russia-Ukraine and Israel-Palestine, which as we are

witnessing have become a source of continuous suffering for the people, materially as well as psychologically. PM had advised Putin that this is no age of war. He should have also added nobody can win in the age of technological warfare.

A young father in Uri living very close to the LoC narrated that while children in other parts of India might be thinking about their studies and extra-curricular activities his children ask every evening whether they can sleep on bed or have to sleep under the staircase. Such uncertainty looming over the population living next to border is traumatic.

This raises a very pertinent question. Why haven't Indian and Pakistani governments reached an understanding yet, like the Indian and Chinese governments, that their soldiers will not use fire over each other and there will be no shelling on civilian population living in border areas? Except for the one-off Galwan incident no soldiers or civilians have been hurt in a long time on the Chinese border.

But for this Indian government would have to talk to the Pakistani government. Instead of sending one delegation to Pakistan or inviting one from there, India has sent seven delegations all over the world except Pakistan and China. If Indian government says that it is a bilateral issue they would have to talk to Pakistan at some point. Why not do it sooner than later? It would not suffice to say that except for PoK there is no issue to be discussed with Pakistan. Residents of Jammu and Kashmir feel they are being made fodder in the battle

between India and Pakistan but neither nation is concerned about the well being of their citizens. Just like Narendra Modi has not visited Manipur since 3 May, 2023 when the ongoing conflict between Meiteis and Kukis started there, he has not found time to visit the war affected areas of India amidst the election campaigning in Bihar. The residents of Jammu and Kashmir feel their issue has not been resolved. They feel humiliated that their Chief Minister is asked to leave high level meetings when it comes time to discuss the security of the Jammu and Kashmir. They ask, 'Are we not integral part of India?'

Syed Naushad Hussain Shah, brother of Adil who was killed by the terrorists on 22 April when he was trying the snatch their weapons to stop the killing of tourists, says he is more pained by the killing of tourists than his own brother. He appeals to the tourists to not stop coming to J&K and says there are more Adils here. Maharashtra Deputy CM Eknath Shinde is getting a new house built next to the old house for the surviving members of Adil's family. Adil, no doubt, is the hero of Pahalgam incident and stands for all the right things – communal harmony, peace, tolerance, reason and above all humanity. It is the Adils of J&K who are the hope for a peaceful J&K.

(Sandeep Pandey is a social activist and General Secretary, Socialist Party (India); and part of Lok Rajniti Manch)

WHAT ARE THE PEOPLE OF JAMMU & KASHMIR THINKING AFTER THE ABROGATION OF ARTICLE 370?

BHANWAR MEGHWANSHI

After the terrorist attack on tourists in Pahalgam, I had the opportunity to visit various regions of Jammu and Kashmir with colleagues from July 21 to 30 last month. Our objective was to understand the situation in Jammu & Kashmir after the removal of Article 370 and incidents like the Pahalgam attack, and to learn what the people there are thinking. Although there is now an elected government there, real power still lies with the LG (Lieutenant Governor). This is because the statehood of Jammu and Kashmir has also been stripped. After speaking with people there, we found that there is considerable dissatisfaction among them, and they are extremely angry about being treated as second-class citizens.

There were about 26 of us present there as fellows and core team members of 'DISOM - The Leadership School' with the aim of nurturing ethical, service-oriented leadership. We met with political leaders, social workers, spent time with pastoralist groups, went into deep valleys, walked along lush meadows and clean, flowing rivers, and spoke to citizens, elected representatives, artists, poets, and intellectuals. We also visited Sufi shrines, dargahs, and Hindu, Buddhist, and Sikh religious sites.

We spent about a week in Srinagar, staying in the Harwan area. We roamed around Srinagar freely without any restriction or fear. The local residents treated us with great

respect and love. Everyone we met wouldn't let us leave without having tea, and answered our questions with deep affection. It truly felt like home. Our team was overwhelmed by this warmth. Some even said that their entire perception of Kashmir and Kashmiris had changed. They had fallen victim to the confusion spread by the so-called mainstream Indian media about Kashmir, but after coming here and meeting Kashmiris, they realized that false narratives about them are being spread across India, which have nothing to do with reality.

We visited the shrine of Sufi poet Abdul Ahad Zargar and later attended a literary gathering organized by the Zargar Foundation. The scholars there spoke about Kashmir's syncretic culture. Poet Rafiq Raj said: "Allah created everyone. If only Islam were necessary for Him, He wouldn't have created Hindus, Christians, Jains, Buddhists, etc." Speaking about the progenitor of Kashmiri Sufism, Nand Rishi, he said that Nund Rishi used to say, whether you go to a temple or a mosque, take the straight path. Similarly, Abdul Ahad Zargar would ask: tell me where the divine resides within you? Reading Kashmiri Muslim poets never makes you feel they are only Muslim poets, they speak for all. If Kashmiri Sufi poetry were translated into other languages, people would understand what Kashmiri thought is. Kashmiriyat is another name for love.

Poet Haq Bari said that the land

of Srinagar was once called Sharada Peeth, and has always had highly learned people. Of the 14 schools of aesthetics in the country, 12 are from Kashmir. We converted from Hindu to Buddhist, back to Hindu, and eventually to Islam. Much has changed, and yet nothing has changed. All the poets and scholars at this literary gathering emphasized: do not divide us in the name of religion or anything else. We have always been one. Kashmir has always been a shared space for Hindus, Buddhists, Sikhs, and Muslims. But now, we are being divided.

We spent two days in dialogue with different political leaders. We met with leaders from the National Conference, the People's Democratic Party, CPM, and Congress. Our first meeting was with Waheed Para, a young legislator from PDP. He explained the situation in Jammu and Kashmir very eloquently. He said that Jammu is Hindu-majority, Kashmir is Muslim-majority, and Ladakh is Buddhist-majority. There is no hatred toward India or Indians, but there is anger against the oppression by the state and its agencies. Kashmir has been an emotional issue for the country.

Waheed Para said that, 'Pakistan has also been inciting terrorism here, it's a multidimensional issue with many players involved. When Pakistan does something, people vent their anger on us Kashmiris. We are battling unemployment, drugs, trauma, and security-related challenges. He also said

that he was imprisoned for three years by the NIA on charges of terrorism.

Waheed Para went on to say that, "Even Gandhi is questioned now, so what chance do we have? When you seek votes through hatred, hatred becomes the leader. That's what is happening across the country. We were a state, and Article 370 was our protective shield, but it has been taken away from us. We now run a new assembly under a union territory, and are fighting for statehood. We will continue our struggle within the constitutional framework, and we hope for a resolution through legal and constitutional means."

We went to Tosamaidan with Dr. Sheikh Ghulam Rasool, chairperson of the Jammu Kashmir RTI Movement. Using the Right to Information Act, he got Tosa maidan freed from being a firing range and opened it up for the nomadic Gujjar-Bakarwal community. Dr. Sheikh explains that due to the firing range, humans, livestock, and mountains were all at risk. We fought and won that battle, but after the removal of Article 370, it's a major challenge to protect our land, mountains, rivers, languages, and biodiversity. He says, "We don't want an extractive tourism; we want a tourism which connects to our land and is based on the philosophy that our natural resources, our water, forests, and land must be protected. We need special protections."

We also got the opportunity to meet Comrade Yusuf Tarigami, MLA and senior leader of the CPI(M). During a long conversation at his government

residence, Comrade Tarigami said: "As a Kashmiri, I'd like to say that we have 5000 years of recorded history. Everything is written in Kalhana's Rajatarangini. We were once a free nation. The Mughals attacked us, and then the British came to colonize us. Through the Amritsar Deal, the British sold us to Gulab Singh, we were sold like land and animals. On August 15, 1947, Maharaja Hari Singh did not accede to either India or Pakistan. He maintained telegraph relations with Pakistan. Despite Gandhi, Patel, and Nehru, the king didn't integrate Kashmir with India.

When tribal invaders arrived, Hari Singh fled. The invaders reached Baramulla. Kashmiris, along with Sheikh Abdullah and communist leaders, held a rally in Lal Chowk and chanted 'Hindu-Muslim unity zindabad.' Give me back that Kashmir, where Hindus and Muslims stood together.

Our constitutional special status was granted through Article 370, and you took that from us. It was a bridge between India and Kashmir. You broke that. The Indian Constituent Assembly's agreement with us has been annulled. Now the LG rules, the assembly or elected government has no power."

He adds, "What happened in Pahalgam, where 26 innocent people were killed, brought the entire Kashmir to the streets. We said that this is unacceptable. They were our guests; we never considered them outsiders. This should not have happened to them. We've never seen the people of India as 'others.' Our children are in your states, please consider them your own.

Let's stand together to protect each other."

Advocate Altaf, known as one of the *Creators of Peace*, who has played an important role in healing Kashmir's wounds and easing the people's pain, explains the history of Kashmir in a sequence. He says that on 6 October 1586, the Mughals attacked Kashmir, and inflicted atrocities on both *peers* (Sufi saints) and *pandits* (Hindu priests). In 1819, Maharaja Ranjit Singh lost to the British, and his officer Gulab Singh bought the entire Kashmir for 7 million rupees. In 1931, the democratic rights movement began in Kashmir. In 1947, new hope emerged, but Maharaja Hari Singh made an agreement with Pakistan. Within a week, when around 3.5 lakh Muslims in Jammu were massacred by the King's army and members of the Hindu Mahasabha, the Pathans (tribesmen) formed an army in retaliation, which came to be known as the *tribals*. Then the Indian Army arrived, and our fleeing Maharaja signed the Instrument of Accession with India. To this day, we have not seen that original instrument. But until 1964, we had our own flag, constitution, Prime Minister, and President, all of which have now been abolished. We were given Article 370 to protect our culture, civilization, and nature, but now that too has been taken away. Advocate Altaf says, "500 kanals of Kashmir's land were given to Aksai Chin, another area is with Pakistan as Azad Kashmir, and now Ladakh has also been separated from us. How much more will we be divided?"

For us, the meeting with National Conference MP Syed Agha

Rahullah was very important. He told us that ever since the BJP came to power at the Centre, the Kashmir issue has been turned into a core Hindutva agenda. Kashmir has been made into a theater, and everyone is playing their part. From the beginning, BJP has made this a political agenda. To appease their majority voters, they want to show that they have disempowered a Muslim-majority state.

Syed Agha Rahullah says, "If we Kashmiris want to preserve our identity, how does that harm anyone?" Kashmiri identity does not mean Muslim identity. There are many people here, many languages are spoken, there is a lot of diversity. Article 370 was provided to preserve Kashmiri identity. You have Article 371 for Himachal and the Northeast, which still exists, then why was 370 taken from us? If everything is opened up for everyone, our identity will no longer survive. If a state asks for protection, it doesn't mean it is anti-national. This is not a matter of national interest, this is a matter of BJP's interest, and for that, Kashmir has been made a theatre. He says, "We will protect our identity. We will protect our autonomy. We had the first land reforms here. Women received property rights. There has never been a scam worth crores here. We've

had the lowest unemployment rate. Look at the indicators of gender equality, education, health, and poverty. Despite so much unrest, we stayed ahead. And we are being punished for this. If we are thinking far ahead of the rest of the country and want to protect our identity, does that make us anti-national?" MP Syed Agha Rahullah's question is for all of us.

We went to Beerwah, and in Ganderbal, we spoke to Sajjad Radhar Farooq and his fellow young lawyers from Kashmir Law Circle. We spoke to Mudassir Lolabi from *Kashmir Calling*. We met dozens of people from the Gujar-Bakarwal community along with Chaudhary Zahid Parvez, and visited their villages. Everywhere, in every voice, the pain of losing Article 370 was strongly evident. Whether it was the Sikh community in Srinagar, or Kashmiri Hindus or Muslims, everyone seemed anxious after the abrogation of Article 370. They are deeply worried about the future of Kashmir, Kashmiris, and Kashmiriyat.

While travelling through Kashmir, we witnessed massive security movement due to the Amarnath Yatra. Security forces stood at every turn. Tourists continued to flock to the banks of Dal Lake, but the atmosphere of mistrust was everywhere. We want to win

Kashmir, but we don't want to win the hearts of Kashmiris. This is not the Idea of India. This is the beginning of the end of India's founding values.

With these questions in mind, I reached Jammu, hoping that people there would be happy about the removal of Article 370. Because in Kashmir, no one seemed happy about it. Every section of people there felt they had lost something. In Jammu, I met with Tarsem Lal, founder of Ashok Buddha Vihar, along with Praveen Bhai and Dilawar Bhai. I also spoke with members of the Jammu Kashmir SC/ST Employees Association. Everyone said that after Article 370 was removed, reserved category people have suffered severe losses in terms of reservations. This will increase unemployment among Dalits and Adivasis. The security of our lands now seems at risk, and in the coming days, we will face many challenges.

While returning to Delhi from Jammu, I kept asking myself this question: Who has really benefited from the abrogation of Article 370? Is it truly a matter of national interest, or is it about the interest of a particular political party? Why have we all turned Kashmir into a theater?

THOSE WHO SPEAK ABOUT HUMAN RIGHTS VIOLATIONS ARE THEMSELVES TARGETED

SEEMA AZAD

On August 5, 2025, it will be six years since Article 370 was revoked and Jammu and Kashmir downgraded from a state to a union territory. With the end of the special status,

Kashmir became a testing ground for the implementation of the earliest and longest lockdown. From the night of August 4 itself, internet and mobile services were suspended

there, which strangled social, economic, cultural and political life in Kashmir. The outside world was in the dark on what was happening inside Kashmir.

Concurrently, people were picked up from Kashmir and secretly sent to various jails in Uttar Pradesh. Even the families of the arrested individuals had no idea where their relatives were, whether they were in jail, and if so, in which jail. Among those arrested were also journalists from Kashmir.

The government's campaign in Kashmir on August 5 is in fact one of the largest crackdowns on press freedom and human rights in the world. That is why, even a night before coverage of the abrogation could begin, the press in Kashmir had been shut down. Throughout the night, many press offices were raided, and journalists were taken into custody. Due to the internet shutdown, the majority of media offices became non-functional.

When the situation gained international attention, the government designated a small space specifically for journalists in order to save their face. In this small space, eight computers were kept in one room, and work hours were fixed from 10 a.m. to 9 p.m. Entry for journalists required clearance from security checkpoints and body scanners. Who were sending what and were was subject to tight surveillance.

Journalists writing critically about government policies found no space to publish their reports, and many had to self-censor in order to keep their media outlets running. In reality, it wasn't a media center but a "media detention center" that operated not for just one or two months, but for the entire year. Several local newspapers and media houses had shut down this first

year and local journalists who are important for gathering news found themselves without a job. All spaces were occupied by media controlled by security forces.

People thought this silence would last only a few days and everything would normalize afterward, but this silence imposed on the press still continues in Kashmir today.

The name of journalist Hilal meer, one of Kashmir's best-known reporters, has recently come up in discussions. On May 1, 2025 he was summoned because of a post on social media and interrogated. His post was about an image released by the government after a major military operation. In that photo, nine houses were shown destroyed during a clash in a southern district of Kashmir, with a woman visible in front. He had written a post referring to this photo.

The photojournalist Sana Irshad Mattu, who received the "Pulitzer" award in 2022 was detained by the government while on her way to receive a second award. Even after international pressure, she was not allowed to travel. Just days later, another Kashmiri journalist, Akash Hasan, was blocked from attending a journalism event in Sri Lanka. Similarly, two more journalists were barred from traveling for their work. Also, several journalists associated with international organizations were blacklisted through email by the Indian Passport authority. At least 12 Kashmiri journalists passports were revoked without valid reasons.

Why was this done? Because the government fears that these journalists, by speaking out internationally, could highlight the human rights violations occurring in Kashmir. That is why the Indian government not only blocks Kashmiri journalists from traveling abroad, but also suppresses the entry of foreign journalists into Kashmir. Entry bans remain in place for foreign journalists wanting to report from the region.

For the past six years, in an effort to intimidate the emerging generation of journalists, people have been threatened by local police and intelligence agencies. Journalists say that since 2019, it has become very common that intelligence or police officers call them during reporting, and ask personal questions or interrogate them about their sources. This leads to self-censorship and greatly impacts journalistic work. This has created immense pressure on journalism in the region, especially in the last six years, making it nearly impossible to report on human rights issues in Kashmir.

Not only have journalists been harassed over phone calls, but many have been detained without charges under laws like UAPA (Unlawful Activities Prevention Act). Writing about the situation in Kashmir or preparing reports is being considered a threat to national security. Several journalists have been imprisoned under the guise of national security. Fahad Shah, who was jailed under these charges, was released on bail but his newspaper 'the Kashmir vala' has not restarted. According to a 2019 report by Aljazeera, at least nine journalists were imprisoned

under UAPA and the Jammu and Kashmir Public Safety Act. Among them are Irfan Mehras, Majid Haidari and Asif Sultan some of whom are still in jail. It is also important to remember that the human rights activist, Khurram Parvez is in jail under the UAPA for the 'crime' of doing human rights work including authoring fact finding reports.

A report by Free speech collective titled 'Disappeared:

Media freedom in Jammu and Kashmir 2019-24 – a status report highlights the growing threats to press freedom in the Jammu and Kashmir . it revealed that 'in the first two years following the abrogation, more than 40 journalists in Kashmir were subjected to background checks, summons or raids.

According to the 2025 World Press Freedom Index, India ranks 151st out of 180 countries.

While the government claims everything has normalized in Kashmir since 2019, the condition of journalists shows that nothing is normal, as those fighting for basic human rights continue to suffer.

THE TARGETING OF THE JAMMU KASHMIR COALITION OF CIVIL SOCIETY (JKCCS) BY NATIONAL INVESTIGATION AGENCY (NIA): AN UPDATE

PUCL EDITORIAL TEAM

The arrest of Khurram Parvez and the targeting of the Jammu Kashmir Coalition of Civil Society (JKCCS) points to troubling inflection point in the history of human rights violations in Kashmir. For the first time, organisations are being targeted for their published and public human rights work. It is troubling that the National Intelligence Agency (NIA) has cited two published and publicly available human rights reports as evidence that the JKCCS was promoting secessionism and tarnishing India's image under the garb of human rights work in Jammu and Kashmir (J&K). By doing so the NIA is criminalising fact-finding which is one of the means through which human rights groups try to make the state accountable. This has serious implications for all human rights work. Under this false case of targeting a brave human rights defender, Khurram Parvez has now spent over three and half years in jail.

The second UAPA case under which Khurram Parvez is

charged pertains to an alleged conspiracy to recruit persons across various states of India including but not limited to Jammu and Kashmir, West Bengal, Bihar, Delhi etc. for committing various illegal acts in India. According to the complaint, they are engaged in gathering intelligence on Vital Installations, Security Forces/ Security Agencies of India as well as Identification of target locations for launching of terrorist attacks etc.

The other case pending against Khurram Parvez pertains to 2016, when there was violent unrest in Kashmir after the security forces killed a young Hizbul Mujahideen commander named Burhan Wani. Khurram was accused in four cases of rioting, unlawful assembly, hurting a public servant, and endangering human life and the personal safety of others and a preventive detention order was slapped on him. These cases continue as well.

The UN Special Rapporteur on

human rights defenders and the Office of High Commissioner for Human Rights have raised concerns about the current arrest and detention of Khurram Parvez under the UAPA and called on the Indian authorities to safeguard his rights to freedom of expression, association and personal liberty.UN special rapporteur on human rights defenders, Mary Lawlor, said, "The Jammu and Kashmir Coalition of Civil Society carries out essential work monitoring human rights. Their research and analysis of human rights violations are of huge value, including to international organisations seeking to ensure accountability and non-repetition of abuses."

Human rights organisations such as Amnesty International have called on the government of India to immediately and unconditionally release him and drop the baseless charges that have been brought against him. They have urged the Indian authorities to publicly recognise human rights defenders and their

important work in the region and put an end to their criminalisation. We also urge the government to stop using draconian national security and counter-terrorism laws to target and harass human rights defenders and other critics of the government and call for a thorough review of the UAPA to align its laws with India's obligations under international human rights law.

PUCL also demands that the prosecution against Khurram Parvez and journalist Irfan Mehraj be withdrawn and the lawful and constitutional work of human rights defenders be protected.

We are providing below a status update on the false cases against Khurram Parvez, Irfan Mehraj and others.

1. Case No.1: Case number 37/2020 registered at NIA, New Delhi

Allegation:

Under the garb of reporting of alleged human rights violations, Khurram Parvez and Parvez Imroz and other members of JKCCS organized several secessionist programs/events, published fake one-sided narratives to create, sustain and spread disaffection, hatred and enmity against the Indian State. This was done to garner international support and put pressure on Government of India to accede to demand of secession of Kashmir from India.

Specific reports of JKCCS identified as containing false narratives, disinformation, and part of "Information Warfare": Structures of Violence (2015) and

Torture (2019). Specific programmes include: Peoples Vision program (Civil society platform to question political leaders), Haqeeqat-e-Kashmir (Cultural event), Wither Kashmir (Seminar), Campaign to ban Land Mine use, Campaign against use of Pellet Guns, and other seminars/programmes held.

One of the objectives of JKCCS is identified to be the highlighting of Kashmir issue at the international level under the garb of human rights reporting to seek international support. Investigations identify International NGO's promoting secession of Kashmir, including Asian Federation against Involuntary Disappearances (AFAD), Philippines, Inter-Church Peace Council (IKV), Netherlands and Stand with Kashmir. These NGOs have been disseminating anti-India sentiments at international fora and advocating secession of Kashmir from India and also endorsed fabricated reports published by JKCCS.

JKCCS, particularly Khurram Parvez, supported by local and international anti-national actors raised funding for furthering of secessionist agenda and to promote the larger interests of terrorist organization, Hizbul Mujahideen and the All Party Hurriyat Conference (APHC). Illegal foreign funding was received through complex financial network and utilized for furtherance of activities of terrorist organizations. Funds were distributed to families of active and killed cadres of Hizbul Mujahideen as a part of "financial support schemes" run by terror outfits. Funds were also

distributed to youth to further stone pelting activities.

Sections of law: Section 120-B (Conspiracy) of Indian Penal Code and 13 (Unlawful activities), 17 (Funding for terrorist act), 18 (Conspiracy to commit terrorist act), 18B (Recruitment for terrorist act), 39 (offences relating to support to terrorist organization) and 40 (Raising funds for terrorist organization) of the Unlawful Activities Prevention Act

Maximum punishment: Life imprisonment

Case status:

- Chargesheet dated 15.09.2023 filed against three persons: Khurram Parvez (Programme Coordinator, JKCCS and Chairperson, AFAD), Irfan Mehraj (ex volunteer/researcher, JKCCS) and Ghulam Hassan Ganai @ Hasan-ul-Bana (identified as "Hizbul Mujahideen terrorist" and "Convener APHC (Pakistan Occupied Faction)"). Khurram Parvez and Irfan Mehraj are in custody whereas the third accused person is identified as "absconding".

- Out of 17 NGO's identified originally by the NIA, JKCCS is the only NGO chargesheeted thus far.

- Case remains under investigation, particularly against Advocate Parvez Imroz, President, JKCCS and Natasha Rather, ex volunteer/associate at JKCCS and AFAD.

- The case is listed for arguments on charge and on bail applications of Khurram parvez and Irfan Mehraj

2. Case no.2: Case number 30/2021 registered at NIA, New Delhi

Allegation:

The accused persons in the instant case along with their associates have been running a network of OGWs of Lashkar-e-Taiba (LeT), and they hatched a conspiracy to recruit persons across various states of India including but not limited to Jammu and Kashmir, West Bengal, Bihar, Delhi etc. for committing various illegal acts in India. In pursuance to the said conspiracy, these accused persons and their associates are in contact with their foreign based handlers and upon their directions they are engaged in gathering intelligence on Vital Installations, Security Forces/

Security Agencies of India as well as Identification of target locations for launching of terrorist attacks etc. The information is passed to the LeT leadership based in foreign countries through internet based encrypted communication platforms. They are receiving terror fund from handlers abroad and are operating multiple pseudonymous bank accounts to channelize and further distribute these funds to India based operatives / OGWs for furtherance of terrorist activities.

Sections of law: Section 120-B (Conspiracy), 121A (Conspiracy to wage war) of Indian Penal Code and 17 (Funding for terrorist act), 18 (Conspiracy to commit terrorist act), 18B (Recruitment for terrorist act), 38 (offences relating to membership

of terrorist organization) and 39 (offences relating to support to terrorist organization) of the Unlawful Activities Prevention Act and Section 8 of the Prevention of Corruption Act.

Maximum punishment: Life imprisonment

Case status:

- Chargesheet dated 13.05.2022 filed against seven arrested persons (three persons have been granted bail). Khurram Parvez is the only person from JKCCS chargesheeted in this case.

- Case is posted for hearing on pending applications and the charges to be framed for trial

SURVEY CONDUCTED ON SPECIAL INTENSIVE REVISION OF VOTER LIST IN BIHAR - 2025

Sarfaraz

The Election Commission of India (ECI) released an Order on 24 June 2025, citing its constitutional mandate under Article 324, that a Special Intensive Revision (SIR) will be conducted from 25 June 2025. The SIR aims to verify the citizenship of voters instead of the enumeration of voters. Interestingly, EC released a new set of guidelines for SIR of the voters list, which prescribed 11 documents to be submitted along with a form specifically designed for this extensive exercise.

EC also states that BLOs will visit each voter's residence and provide him/her the stipulated form in two copies, and will receive it back from the voter who will paste her/his photo and

attach one of the 11 documents to the form to prove her/his citizenship.

PUCL's report analyses the findings of the survey conducted by PUCL volunteers in Patna slums. The survey covered more than 300 Households. It was conducted between 15th July to 21st July, 2025. The households were randomly selected in 6 slums of Patna by 8 field workers.

Key Observations:

- While awareness is high, there are serious gaps in documentation, submission, and official follow-through.

- The lack of receipts and

incorrect document submissions are especially concerning.

- The fact that 41.1% of people are not in the 2003 list means a large population now faces the burden of proving citizenship, similar to an NRC process.

The full survey, report, and inferences are carried on PUCL's website.

(Sarfaraz is the General Secretary of the PUCL- Bihar and would like to thank Dr. Suresh for his assistance in the finalisation of this article.)

REPRESENTATION TO THE CEC ON CONCERN THAT THE SIR IN BIHAR HAS IMPLICATIONS FOR UNIVERSAL ADULT FRANCHISE

PUCL National

To:

The Chief Election Commissioner and Other Election Commissioners, Election Commission of India

We write to you from the People's Union for Civil Liberties (PUCL) regarding the disturbing development of the beginning of special intensive revision (SIR) of the electoral rolls in Bihar. It is our belief that the implications of this process have serious constitutional implications as they infringe upon the constitutional promise of universal adult franchise.

PUCL is a civil liberties and human rights body formed in 1976 whose membership has included eminent judges like Justice Tarkunde, Justice Rajendra Sachar and well-known lawyers such as K.G. Kannabiran and Ravikiran Jain and highly respected academicians like Prof. Rajni Kothari and Prof. Prabhakar Sinha. The PUCL has been working for over forty years with the aim of fulfilling the promise of the constitution. A number of judgments of the Supreme Court which ensure basic rights for citizens including the right to food [2007 1SCC 728], freedom from bonded labour [(2005) 2SCC 436 and liberation of persons in manual scavenging have had the PUCL as the petitioner. PUCL has also worked towards enhancing the quality of our electoral democracy and has been the petitioner in the Supreme Court decisions recognizing NOTA as a

valid option. [(2013) 10 SCC 1] The PUCL is also the petitioner in the decision of the Supreme Court recognizing that the voter has a right to know the antecedents of their candidate including the assets he or she possesses as well as criminal antecedents.[(2003) 9 SCC 490]

Our concerns with the current proposed Special Intensive Revision (SIR) of the electoral rolls in Bihar are as follows:

I. Lack of Clarity

1. The ECI issued a Press Note (No. ECI/PN/233/2025) on 26th June 2025 announcing a 'Special Intensive Revision' (SIR) of the electoral rolls in Bihar. The press note categorically states that "booth Level Officers (BLOs) shall be conducting house-to-house surveys for verification during the process of this intensive revision". Such an exercise is covered under Rule 25(2) read with Rule 8 and Form 4 provided for in The Registration of Electors Rules, 1960 ("the Rules"). [Annexure I for Rule 8 and Form 4]

2. However, on the same date letter No.23/2025-ERS (Vol. II), the ECI's letter issued to the Bihar Chief Electoral Officer lays down a slightly different process for enumeration, which is a significant departure from Rules 25(2) read with Rule 8 and Form 4. It states that instead of the BLO's conducting a survey [as per Rule 8 and Form 4], the BLOs shall:

- a) distribute Enumeration Form to all existing electors (in duplicate) through House-to-House visit;
- b) guide the public on filling up Enumeration Form, and
- c) collect Enumeration Forms from the public, along with required documents, or the public can also upload Enumeration Forms and documents online.

The "Enumeration Form" also varies significantly from Form 4 as prescribed in the Rules. This short-cut, which shifts the onerous burden of filling up forms and collecting documents on to voters may have been done due to paucity of time, but it remains de hors the Rules. [Annexure II for EF and Letter to Bihar CEO]

3. If the ECI is itself having to curtail prescribed procedures to battle against time, it does raise fears that in focusing exclusively on finding reasons for disqualifications, the primary responsibility under Article 326 to include all adult voters, especially those from the social and economic margins would be compromised.

4. The time prescribed in the ECI directive is 90 days from the start to the end of the process, that is, from the date of distribution of the Enumeration Forms (EF) to their collection, verification, creation of draft rolls, raising of claims and objections, decisions on said claims and objections, appeal and the publication of the Final Electoral Roll on 30.09.2025. Moreover, a mere 35 days is

given from the time of distribution of the EF to the publication of the draft rolls. In this time, hurriedly gathered and mostly untrained BLOs have to work with some of the most marginalized, often illiterate voters numbering according to the ECI's own estimates up to 7.9 crores (4.96Cr are existing electors and 2.94Cr. new voters), in an admittedly 'document scarce' state.

5. By the ECI's own estimates at least 4.96 Crore EF have to be distributed, supervised, collected and verified. Since the qualifying date of 01.01.2003, when the last SIR was held, there has also been an extensive delimitation exercise, such that the details of booths etc. as reflected in the 2003 electoral roll may not match the current status of existing voters, leading to a further requirement of detailed cross-matching. An additional 2.94 Crore Form 6 have also to be verified (other estimates put this number at 4.74 Crore; See "Voter Verification Drive in Bihar: too little time, too many hurdles: Data Point", The Hindu. News Reports suggest that on July 1st 2025, 1 crore forms had been distributed, Indian Express).

6. The ECI's letter dated 24th June 2025 also includes "training guidelines" for this exercise. Para 1(c) states that "CEO shall also ensure that all the posts of EROs/AEROs/BLOs/Supervisors are filled and requisite training and orientation including training on the latest IT process and systems is completed well in time." This has led to indiscriminate and hurried appointments (whereas, earlier the task was done by teachers and librarians, with proper

training, this time all kinds of contractual workers have been pulled in without any previous experience or training). The allocated time for training of lakhs of BLOs is 6 days as per the directive. [Annexure II] Reportedly, there are still large-scale vacancies, even as hurried appointments are being made. It is not surprising then that there is mass confusion on the ground, and nobody, including BLOs seem to have any clear answers. ["Confusion reigns as Bihar's SIR gets underway", The Hindu] As a result, existing and prospective electors in Bihar are in a state of confusion. The right to vote, with conditions, is a constitutional right. In the event, such ruptures have to be explained in terms of Article 14 and must be tested for manifest arbitrariness. The Supreme Court of India in K.S. Puttaswamy v. Union of India, [(2019) 10 SCC 1, para 147] has laid down the proportionality test, which states that:

- a) action must be in pursuance of a legitimate aim,
- b) must bear a rational nexus to achieving the legitimate aim
- c) must be the least restrictive way of achieving the aim and
- d) must be proportionate

II. Ambiguities that need immediate clarifications

1. The ECI directive divides people into two categories: "existing electors" who are to simply fill the Enumeration Forms (EF) together with an extract of their details in the 2003 electoral rolls, and "new voters", who have to submit Form 6 or Form 8. [Paras 3 and 4 of the 24.06.25 notification]. Furthermore, the notification also states that voters who have been added to the

2003 electoral rolls through the annual processes of revisions and updating are also "existing electors" as they are reflected in the mother roll. The revisions and updates between 2003-2025 have merged into the 2003 rolls. [Paras 13, 15 of the notification]. Thus, for all "existing voters", who are to fill identical EFs, which exempt them from supplying any extra documents, it would be sufficient to provide the extract of the 2003 rolls (as it exists on 06.01.2025, together with the annual processes of special summary revisions, updates. Read with Proviso to Section 21(3) of the Representation of the People Act, 1950 "the Act"). However, there have been cases where BLOs are unsure of procedure and have refused to accept filled EFs even from per-2003 voters, without "requisite documents".

2. The ECI has announced an SIR for Bihar. The SIR was earlier a five-yearly exercise, but in 2003-2004, after digitisation of the rolls, it was discontinued as constant electronic revisions and modifications were made possible. Summary revisions were still undertaken to streamline and update the rolls by taking into account deaths/migrations/ duplications. Given the immediate digital access, the need for such a resource-intensive and cumbersome SIR is not made clear. There are already provisions in the Act and in the Rules to weed out individual disqualified electors from the rolls Under Section 22, Rule 21A and Form 7. The process of disqualification, either on an objection raised by a third party, or even suo motu is detailed. Thus, an entire SIR to look for disqualified electors, from

amongst those existing electors who have already been verified and enrolled by proper procedure seems unnecessary. In any case, there is no legislative vacuum when it comes to prescribing the procedure for an SIR. It is laid down in Rule 8 and Form 4. Can the EF/ process of enumeration and verification depart from procedure laid down?

3. The ECI issued a comprehensive 409 page “Manual on Electoral Rolls” in March 2023. Para 2.5 at Page 14 mentions amendments formally made and notified to the “Forms for statutory claims and objections”. It states: *“On 30th December 2021, the Ministry of Law, Govt. of India, on the recommendation of the Commission, notified the amendments in the Representation of the People Act, 1950. Subsequently to implement the amendments, the Registration of Electors Rules, 1960 was also notified on 17th June, 2022. By these amendments the Forms 2, 2A, 3, 6, 7, 8, 9, 10, 11, 11A, 18 and 19 have been revised.”* The amended Form 6 for addition of new electors is also provided as Annexure at Page 246. It is identical to the one now available on the Bihar Election Commission Website. [Annexure III]. The amended Form 6 allows for submission of Aadhar Cards as documentary proof. The amended Form 6 does not ask for “proof of birth of parents”. This would make the requirement of “self-attested declaration”, “non acceptability of Aadhar cards” and “additional proof of birth of parents” de hors the Rules.

III. Broader Issues with the proposed exercise

1. The scheme of Article 324, read with Articles 326, 327 and 328 is such that the Election Commission has been tasked primarily with ensuring the right to vote for all adult citizens of India. It is incumbent upon the ECI to ensure that those with ‘document deficits’, or other vulnerabilities relating to access (to technology, ability to fill forms, be physically present on multiple occasions) do not get left out of the process. The primary responsibility is to be inclusive and ensure universal adult franchise. The process of disqualifications may begin once an equitable and fair process has been applied to create a mother roll. The process of testing for disqualifications is not meant to take primary place at the cost of equitable enumeration. It is on this premise that those without documents, or any place of residence have also been included in the rolls.

2. Article 324 has to be read with Articles 327 and 328, which give powers to the Parliament and to legislative assemblies respectively to make laws enabling the EC to do its duties under Article 324. The powers of the EC are thus circumscribed by laws made by Parliament. The scheme of The Representation of the People Act, 1950 and the Registration of Electors Rules, 1960 makes the process of preparation of electors rolls intimate, home-based, as opposed to being ‘document heavy’ and impersonal. It is envisioned in a way where EC leads the process and takes the responsibility of including electors, especially those without proper documents and those on the social-economic margins through a process of introducing

a home-based verification. It relies on the human touch and not on impersonal documentation. Also, the burden of including people in the electoral rolls is with the EC. In one fell stroke, this executive order inverts the whole process - the burden of inclusion is shifted on to the marginalized voter and also made document-centred.

Conclusion

We urge you to address the concerns above raised as they have serious implications for India's well-deserved reputation as the world's largest democracy. The exercise of universal adult franchise is what marks out India as a unique experiment in the history of global democracy. By going in for an ill-advised, hasty SIR which can only serve to exclude those without the requisite documentation, the ECI is betraying its constitutional mandate of equal access to the right to vote for the citizens of India.

The Peoples Union for Civil Liberties has filed a petition challenging the arbitrary and unlawful action of the Election Commission of India (EC) in directing Special Intensive Revision (SIR) of electoral rolls in the entire country, with immediate enforcement in Bihar, only months before the scheduled elections.

The PUCL's constitutional challenge to the SIR is based on the argument that the impugned SIR process represents a direct assault on India's constitutional democracy, violating the grundnorm of popular sovereignty enshrined in “WE, THE PEOPLE.” By abandoning

statutory house-to-house surveys for arbitrary document- centred exclusions, creating impossible timelines, and systematically disenfranchising marginalized communities, the Election Commission has perverted the constitutional mandate, and inverted the principle of inclusion to that of – EXCLUSION.

The SIR process has within it conceptual and procedural chaos which violates Articles 14, 19, and 21, transforming universal adult suffrage from a fundamental right into a privilege contingent on bureaucratic compliance by so called unverified “volunteers” who have been converted into data processors. The process undermines democracy's foundational principle that legitimate governance derives from the consent of all citizens, not just those who can navigate exclusionary administrative mazes. An illegal exercise, also hastily conducted to cover a population of almost 8Crore is likely to result in exclusion of voters and thereby defeat democracy using the very tools of democracy.

PUCL contends that Bihar has a massive migrant population, who work across India but return home to exercise their democratic rights and they ace systematic exclusion through this malicious SIR process. Migrant workers lack local address proofs, cannot navigate complex form-based procedures from distant locations, and miss compressed timelines due to work commitments. This timing appears deliberately calculated to

disenfranchise Bihar's mobile workforce during crucial electoral periods. The process exhibits legal malice by creating insurmountable barriers for citizens whose only “fault” is economic migration, violating constitutional equality and universal suffrage principles. SIR appears to be an exercise that is designed to exclude – using new tools of gerrymandering and administrative powers.

A central dimension of our electoral democracy is universal adult suffrage and the constitutional and statutory scheme vest responsibility on the Election Commission to ensure that every citizen is able to exercise her vote. It is this constitutional responsibility which the EC forsakes through the ill advised SIR.

Based on the above arguments, the PUCL argues that the EC Order and letter dated 24th June 2025 deserves to be quashed for being manifestly arbitrary. It is also contrary to Article 327 read with the Act and the Rules.

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