



KASHMIR AT CROSSROADS

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(JKCHR)

**Jammu and Kashmir Council for
Human Rights**

**'NGO in Special Consultative Status
with the Economic and Social Council
of the United Nations'**

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Foreword

7 to 30 November 2001 visit to Kashmir was my 5th visit during the last 28 years. Political opinions caused me the loss of home, sustain charges of subversion, face death sentence and provoked me to let go high offices, in four important geographies. Has it paid? Or have I yet to discharge a duty?

This visit has stirred me in all my elements and I am sad. Our people raised the question of social justice in 1877. Of yore, we had a grievance against one Maharaja and now we are worse off and seem to have the same grievance under two controls of India and Pakistan.

I sent a cable to UN on 10th January 1990, voicing my concern on the first killings on 8/9 January 1990 in Srinagar. Then UN also killed my people in Srinagar. We continue to kill our own people but have a keen desire to out live others.

I protested on the deletion of Kashmir from UN Security Council Agenda. But there are many more who spread ignorance and pedal sinister self-interest in the name of Kashmiri people. Has my pre 1990 and post 1990 work been worth any thing? Yes, these efforts and those of others, have started to assume a meaning.

I see a change in popular reflex and understanding. The under dog has started to count his friends and foes. He has started to catalogue the vices and the virtues. He has started to reflect back on the failed opportunity when 'sky was the limit' in Indian understanding, when the Hizb cease-fire of June 2000 was ridiculed, PM's cease-fire of November 2000 was shot in the foot and Hurriet cease-fire of November 2001 fell flat on its face.

The common reflexes are more agile than before. The failure of our leadership to understand the jurisprudence of the exclusivity of the dialogue offer of May 2000, the jurisprudence of the appointment of point-man Mr. K. C. Pant and the dialogue offer of 5 April 2001 and the elusive question of 'command and control' between the political and militant components, the fear of a loss of potestas at the hands of foreign militants and the stale cry of the 'coming of a wolf', are being debated and discussed, with a relative ease.

The common reflex is adjusting itself and is bracing up to name and shame, where necessary.

But it shall require more than a common effort to take the people of Jammu and Kashmir out of the woodlands of politics. They are at a crossroad of part knowledge and part ignorance, part faith and part loss of faith.

However, one thing that they are gearing to pin their faith in – is that, a political representation is in reference to the 'free will' and the 'trust' of the people. They have no doubt that the leadership should resemble their society in terms of age, gender, social class, ethnic background and so forth. And that while carrying out a mandate they have to use a 'mature judgement' and 'enlightened conscience'.

Post September 11 approach of the world community to violence and acts of terrorism against the common people and the punitive action of the world community against the Taliban cult are enduring concerns around the world.

In Kashmir our leadership has to sit and brood over, as to how circumstances could alter cases. General Musharraf's co-operation with the world community against Taliban, Pakistan's offer to India for a joint investigation into 13 December 2001 attack on its parliament, arrest of Jaishe-e-Muhammad chief, Maulana Masood Azhar, General Musharraf's appeal to 'silent majority' to fight terrorist

organizations, are the new unavoidable visible trends to fight terrorism.

The tragic-mode of confinement of Yasser Arafat, who was disallowed to attend the Christmas mass in Bethlehem, and 'restricted until he takes action against terrorists', should cause a swift stir to a 'mature judgement' and 'enlightened conscience' of Kashmiri politics.

Kashmiris are at a 'cross road' and they need to examine their options, around the fullness of their case. They seem to be advised to stay away from the opportunities and challenges.

How long could they afford to let go the benefit of their control on the conduct of public affairs and at what cost should they be made victims of a bad judgement.

It is important to examine as to what extent, Kashmiri political organizations have led them with a 'mature judgement' and 'enlightened conscience'.

For this, all of us, from various disciplines of a civil society, should encourage the ability of the common man and woman, to be able to differentiate between an informed choice and coercion. We should use substantive relief available, to guard them against, the triple coercion of the politician, militant and the security forces.

We should work to conserve life and to support the 'gift of life'. Because right to life precedes any other Human Right. Let us endeavour to understand that there are limits to human endurance. And work, severally and collectively, to give the human suffering in Kashmir a 'meaning'.

Dr. Syed Nazir Gilani

Secretary General - JKCHR

Kashmir at Crossroads

Representation

'mature judgement' & 'enlightened conscience'.

In politics, representation suggests that an individual or group somehow stands for, or on behalf of, a larger collection of people. Political representation therefore acknowledges a link between two otherwise separate entities – government and the governed – and implies that through this link the people's views are articulated or their interests are secured.

The capacity of representation is ever important to ensure a democratic government. There are a number of competing theories of representation and each is based upon a particular ideological and political assumption. The representatives have to resemble their society in terms of age, gender, social class, ethnic background and so forth.

It is on this count that Edmund Burke in his famous speech to electors of Bristol in 1774 told that "your representative owes you, not his industry only, but his judgement; and he betrays, instead of serving you, if he sacrifices it to your opinion".

The test of representation therefore is to serve one's constituents by the exercise of 'mature judgement' and 'enlightened conscience'. A collective representation [an alliance] as a consequence assumes the mentor of a

'deliberative assembly of one nation, with one interest, that of the whole'.

Elections and Mandates

As a **general rule** representation is tied up with elections, to such an extent that politicians are commonly referred to as representatives, simply because they have been elected. An election is a device through which we fill the public offices by reference to popular preferences.

Non competitive elections, in which only a single candidate is placed before the electorate, can not be regarded as democratic. An electoral choice and an enduring opportunity to remove office-holders are two important primary essentials.

An election is only representative if its results can be interpreted as granting popular authority for particular forms of government action. In other words, an election must have a meaning.

The most common way of imposing meaning upon an election result is to interpret it as providing a 'mandate' for the winning candidate or party.

Doctrine of the Mandate

A mandate is an authoritative instruction or command. The doctrine of the mandate is based, first of all, upon the willingness of parties or candidates to set out their policy proposals through speeches or by the publication of manifestos.

These proposals are, in effect, electoral promises, indicating what the party or candidate is committed to doing if elected.

The act of voting can thus be understood as the expression of a preference from amongst the various policy programmes on offer.

Victory in the Elections

Victory in the elections is therefore a reflection of the popularity of one set of proposals over its rivals. The great merit of the mandate doctrine is that it seems to impose some kind of meaning upon an election and so offers popular guidance to those who exercise government power.

However, the poor information about political issues, little knowledge of the content of manifestos, influence of 'irrational' factors, such as the personality of party leaders, the image of parties, or habitual allegiance formed through social conditioning are inherent weaknesses of this mandate.

The other danger is that in the deals and trade-off negotiated in a coalition by partners, such a package enjoys no mandate whatsoever because no set of voters has been asked to endorse it.

Crossroads

The people of Jammu and Kashmir in the context of representation and human rights are at a crossroad of conflicts. Kashmiri leaders on the one hand catalogue the abuse of their human rights – and the present school of politics is born out of the alleged rigged election in 1987. They have complained that 'the transfer of the free will of the people' was interfered with and the basis of governance is void.

However, while charging India for an abuse of human rights, in particular the denial of the right to participate in the conduct of public affairs and for its proxy politics in Kashmir, they are deadly reluctant to pass the test of representation

in the service of their people by the exercise of 'mature judgement' and 'enlightened conscience'.

On the other hand they err in the understanding of the difference between ***an election*** as a basic human right and right of ***self-determination*** as a basic human right.

Elections

In regards to elections Article 21(1) of the Universal Declaration of Human Rights states that "Everyone has the right to take part in the government of his country, directly or through freely chosen representative. Article 21(2) further adds that "Everyone has the right of equal access to public service in his country.

And in this regard Article 21(3) of the Universal Declaration of Human Rights in relation to elections sets a litmus test for the authority of a government. It states that "The will of the people shall be the basis of the authority of government: this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures".

Article 25 (b) of the ICCPR [the international covenant on civil and political rights], states that "Every citizen shall have the right and the opportunity, without any of the distinctions, made in article 2 of the Covenant and without unreasonable restrictions:

- (a) to take part in the conduct of public affairs, directly or through the freely chosen representatives;
- (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) to have access, on general terms of equality, to public service in his country.

The people of Kashmir have been through a good or a bad exercise of 8 electoral processes – of 1951, 1957, 1962, 1967, 1972, 1983, 1987 and 1996.

The history of all these elections has been in dispute on one point or the other and the elections of 1987 and 1996 in particular were attended by charges of repression and large-scale rigging.

Participation in the conduct of public affairs is a basic human right, prized by people throughout the world. The right to take part in government is proclaimed and guaranteed by Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and is recognised in many other treaties and declarations.

General Assembly resolution 46/137 of 17 December 1991 para 3 states that “periodic and genuine elections are necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights”.

Self-determination

Self-determination on the other hand is far remote and far different a human right. It has its own and a separate

jurisprudence. The right is envisaged in article 1(2) of UN Charter, article 1(1) of ICCPR and article 1(1) of ICESCR.

Under Article 1(2) of UN Charter the member nations resolve "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

On the question of self-determination article 1(1) of ICCPR and article 1(1) of ICESCR State that "All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".

Failed cease-fires

On the question of 'mature judgement' and 'enlightened conscience', one could ask a question to oneself, as to why is that that the Hizb [HM] cease-fire of June 2000, Prime Minister Vajpayee's cease-fire in honour of Ramzan in November 2000 and the Hurriet cease-fire of November 2001 all lapsed in disinterest of one or the other entity.

Series of Errors

Kashmiri leadership in Srinagar and in Muzaffarabad, touted the militant component of its struggle, as a cap in its feather. But when put to a test, it failed the test of a 'mature judgement' and 'enlightened conscience'.

The leadership did not give way to Hizb Chief Commander, Abdul Majid Dar, when he said that – "HM has been aware for some time of the feelings of the people for peace for some time now and the Majlis-e-Shora which meets at the

beginning of every year to review the position and finalise its strategy accordingly had held an extraordinary session at Muzaffarabad in the beginning of this year. After long and careful deliberation, the meeting decided to take the initiative to end the deadlock, which was stifling the people and to change the perception that the mujahids were bloodthirsty terrorists.The wishes of the public were also gauged and it was realised that desire for a peaceful solution of the issue by an unconditional and meaningful dialogue obtained among all sections of the society including the local political leadership and the media.....Thus after due deliberations, the command council of HM has taken a decision to announce unilateral temporary cease-fire for three months which would come into effect w.e.f. July 25, 2000”.

Prima facie one would not suspect the authenticity of the ‘command and control’ of the Kashmiri leadership and so take the Hizb cease-fire as a corporate decision. Cease-fire is not a surrender or a sell out. It is a provisional and a conditional decision, to set a tone for the principal essential, for which the gun has become a reason.

More so, the cease-fire remained in conformity with the objectives of Hurriet’s constitutional discipline under Chapter II article 2 (i) (ii). The principal essential in this discipline is a **‘peaceful struggle in accordance with the UN Charter and the UN resolutions’** and **‘endeavours for an alternative negotiated settlement’**. Ironically the people of Kashmir have been relegated as a Third Party in Hurriet constitution.

Hurriet dragged its feet and failed to make a formal and swift representative response. The belated response exposed a serious gap between the political and militant components of the struggle. The running on two parallel tracks and on

two different roller-skates dented the image of the two, vis a vis any future bargain.

On the other hand Hurriet had earlier already made a serious mistake in failing to respond to the May 2000, exclusive dialogue offer made to it by the Government of India.

The leadership failed to understand the ***jurisprudence of exclusivity*** that this offer had created for it. The jurisprudence of recognition, ***de facto and de jure*** had come its way for the first time since Kashmir featured at UN on 6 January 1948.

Tashkent Declaration of 1966, Shimla Accord of 1972, Lahore Declaration of 1999 and the Agra Summit of 2001 all nudge pass and do not stop to recognize the Kashmiri leadership as a principal essential in any dialogue. The May 2000 dialogue offer was a first time opportunity, an exclusive for APHC and had caused the jurisprudence of 'recognition'.

The cease-fire offer by the Prime Minister of India was another opportunity to a) establish the principle of equity and equality as a party by accepting the offer and b) to work severally, collectively and in partnership with people and non party experts to create a breathing space for the people and build upon the offer of cease-fire.

Hurriet's November 2001 proposal of 'a comprehensive cease-fire by India, Pakistan and militants and its pleading for 'talks to pave the way for Kashmir resolution', was shot down by Hizb and other militants before it saw the dawn of Wednesday November 14, 2001. The proposal failed to merit any attention from India and Pakistan. The in-house wrangle spilled over into the street and the leaders shocked the general public by their aversion of each other.

Unpreparedness of Hurriet and non-Hurriet Schools

During the last 54 years India and Pakistan, have sought reliance on UN Charter obligations, UN resolutions, Tashkent Declaration, Shimla Accord, Lahore Declaration and the Agra Summit in the start off, of any dialogue or in the temporary containment of a situation.

India has bilateral accords with the people of Kashmir on the one side of the cease-fire-line and is faced with a political and a militant resistance.

Pakistan on the other side of the cease-fire-line has entered into an agreement in 1949 and keeps it in relation to Gilgit and Baltistan and in relation to Azad Kashmir, has yielded to assuming responsibilities under UNCIP resolutions.

Pakistan is caught in a cobweb of its own adhoc faith. It has introduced two standards for two regions of Kashmir. In Azad Kashmir it has sought reliance on UN resolutions and in the case of Gilgit and Baltistan, it has chosen a manipulative and self-serving mechanism.

For that matter Pakistan's understanding of the responsibilities under UNCIP resolutions too is incorrect. The wisdom of assumption of responsibilities, also has many serious flaws. It is indeterminate and does not seem to be subject to any 'control'.

Without a defined control, the exercise of a responsibility, cannot be guaranteed to be reasonable, in good faith and on correct grounds. There is no mechanism to examine where a

decision is bad for unreasonableness and where it has failed to exercise its discretion at all.

On the other hand the Unpreparedness of Hurriet and non-Hurriet Schools of politics is a serious disadvantage to the interests of the people of Jammu and Kashmir. Although Hurriet and non Hurriet schools have a constitution, yet we see that they have either failed to yield to a constitutional discipline or made a scant and half hearted effort to seek a guidance from its wisdom.

Approaching Elections

The state of Jammu and Kashmir shall go to the 9th poll since 1951 in October/November 2002. People shall have the opportunity to elect their representatives, in the conduct of 'public affairs'. Or they may have to yield to one of the three coercion's seeking separate compliances.

We have seen that during 1996 elections the people endured triple coercion. The politician, the militant, the security forces all shared the common instinct to coerce the common man and woman into compliance or a non-compliance of the three briefs.

Are Elections Harmful?

As explained earlier elections are a basic human right. These elections have a separate jurisprudence. For a politician or a militant to coerce a citizen of Jammu and Kashmir, defined by the State Subject Notification of 20 April 1927, to stay away from elections, is violating a basic human right. You cannot violate a basic human right under the pretext of securing another – in this case right of self-determination.

Walking that path and advocating such a belief, is based on ignorance. Such a belief makes our leadership fail on the

principle of 'mature judgement' and 'enlightened conscience'.

Kashmiri political schools of opinion have continued to subscribe to the principles of UN Charter and UN resolutions. The Charter and the resolutions are not a manipulative or a coercive rhetoric but provide a substantive jurisprudence on elections and self-determination.

Election necessary and indispensable

According to the General Assembly resolution 46/137 of 17 December 1991 para 3 that "periodic and genuine elections are necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights", the Kashmiri political schools advising the Kashmiris to boycott the elections, in fact, are guilty of not taking the measures that could effectively protect a wide range of other human rights and fundamental freedoms.

Kashmiri political schools shall be making a serious mistake if they continue to propagate a rhetoric in relation to election and self-determination. The lack of input from non-party experts has made Kashmir politics a debating contest on a Friday or on a funeral. The style and the diction of the Kashmiri politician is no where near to UN jurisprudence of elections or self-determination. United Nations, has long ago taken cognizance of these two rights and has concluded that elections in Kashmir are not a substitute for self-determination.

Forcing the people of Kashmir to stay away from 'periodic and genuine elections' which according to the General

Assembly resolution are “necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights”, is an anti people and anti rights act.

Promise of Fair and Free Elections

India has a de facto control of a major part of Jammu and Kashmir. UN and Pakistan have yielded to the jurisprudence of this de facto control. Pakistan conducts relations with India at the UN, at international forums and even at a time when the people of Kashmir are offering a political and a militant resistance, the trade and other diplomatic relations continue.

Until the Kashmiri struggle graduates to the higher point of a full representation and touches the jurisprudence of self determination, the people have a right to a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights. According to UN periodic and genuine elections are necessary and indispensable element to effectuate the enjoyment of a wide range of these rights and fundamental freedoms.

Indian Prime Minister on 15th August 2001 acknowledged the ‘pain and agony’ of the people of Jammu and Kashmir and promised that when the election to the new State Assembly took place, “we shall ensure free and fair elections”. The Prime Minister described “Kashmiriyat” as a “fine example of the Sarva Dharma Samabhava (secularism)”.

If Kashmiri Leadership boycotts the Elections

A leader has to have a mandate. The representatives have to resemble their society in terms of age, gender, social class, ethnic background and so forth. In relation to Kashmir the leadership has to submit to the test of 'Principality' set out by the United Nations for their role.

The many questions of a mandate, a resemblance to society in terms of age, social class, ethnic background etc and the question of 'Principality', raise the ceiling of criterion and qualification for political representation in Kashmir higher than the ordinary. In an exceptional situation the demands on a qualified [not in terms of academic] representation are more high.

In the event of Kashmiri leadership, failing to understand the difference between election as a basic human right and self determination as a basic human right, failing to understand that 'periodic and genuine elections' which according to the General Assembly resolution are "necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights", they would not only foul the landscape of human rights but at the same time assist the participating parties to 'sleep walk' to success in the elections.

It has to be understood that state is the biggest employer and the law and order apparatus is always state controlled. Kashmiri leadership would have to reconcile the merits of its appeal for a boycott with the rights of the people and more

so the influence of the state as an employer. It cannot demand of the state employees to turn pro boycott for a day and two and then to resume their normal roles on the third day.

The choice is between allowing the people their basic right to elect their representatives to conduct the day to day affairs of the civil society, to effectuate the enjoyment by all of a wide range of other human rights and fundamental freedoms and between enforcing a boycott and allowing a sleep walk without a contest.

If 1987 elections and the other elections in the past could not cause a prejudice to self-determination, any belief of this kind is based on bad faith, ignorance and self-interest. UN has long ago disposed off such an apprehension.

During June 7th 2001 Elections, in Britain, the turn out was lowest in more than eighty years. 58% people voted and 42% did not participate. One in four voters did not vote. The non-participation of 42% voters does not make the electoral process invalid.

In Kashmir a boycott call of Hurriet and non-Hurriet leadership, allowed the National Conference candidates 'sleep walk' into Lok Sabha [Lower House] in September 1999 elections.

A non participation by the voter, made him let go his or her basic right to take part in the running of a government and on the other hand made the elected person less sensitive to accountability and transparency.

National Conference & Elections

Kashmiri leadership, Hurriyat and non-Hurriyat are averse to National Conference. This aversion is not based on any 'mature judgement' and 'enlightened conscience'. It is based on local and non-local self-serving interests.

On a serious plank and in view of the jurisprudence of Kashmir case, Hurriyat and non-Hurriyat leadership seem to be part knowledgeable and part ignorant on the issue of Kashmir. National Conference and Muslim Conference are the two political parties considered on the point of 'Principality' by the United Nations. Other political schools ever since or since 1990 have to face the test of Principality.

However, Kashmiri leadership, has all along made a serious error on the question of Muslim Character of the State. United States brought into question the Muslim Character of the State during the debate at the UN.

The representative of United States stated that paragraph 6, concerning the representation of major political groups in the interim administration, did not mean that the predominantly Muslim character of the population of the state should be the criterion, or that undue advantage should be given to one group merely because it held power at the present moment.

The principle involved was that of neutralization of the Government in so far as the issue of accession was concerned. The Council then adopted the draft resolution S/726 of 21 April 1948 paragraph by paragraph. The composite nemericals of Hurriyat shall have to face extraordinary challenges, under this principle, in any representation.

It is very important to decide, as to how long and how far would the Kashmiri leadership live on assumed tracks of its thinking. It has to adjust itself to those disciplines that

surround the Kashmir case, in regards to election and in regards to self-determination.

It should retrieve its head from the comforting sands and look around, as to how Northern Alliance in Afghanistan assumed their role in the conduct of future affairs of the country. Taliban and Pakistan, could not resist the jurisprudence of the will and authority of international community.

The new set up had to resemble Afghan society in terms of age, gender, social class, ethnic background and so forth.

Free & Fair Elections – Non interference

Prime Minister of India, on 15th August 2001, promised 'free and fair elections'. Prima facie, there is no reason to attribute any bad faith to this pledge.

However, on balance we see that the dispute in Kashmir, is based on broken pledges and unkept assurances. Democracies make mistakes but the past enduring practice of a 'proxy' politics in Kashmir, has proven to be a serious mistake. Proxy politics clears the road for proxy wars of many shades.

The right to take part in elections, need not be held hostage, to any other right – more so to the right of self-determination.

'Genuine Elections' as a basic human right, "necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights", in Kashmir

have to be addressed with higher burden of sensitivity and humanity.

Kashmir is an exceptional situation and it requires to be tackled in a structured and well defined phases. For a 'free and fair' elections, Prime Minister has to take it beyond his reference to the 'constitution of Insaniyat'.

Guarantee of free and fair

Institutional freedom and fairness are the touchstones of a democracy. But in regards to elections, India has failed this institutional test in Kashmir. After 1990 police and security forces accused of massive abuse of human rights cannot be trusted to play a role in an election setting.

Effective administration of justice during an election period requires a balancing between, on the one hand, the need for electoral security and maintenance of order, and on the other hand, the importance of non-interference with rights and the existence of an environment free of intimidation.

Duty of Service

The Code of Conduct for Law Enforcement Officials adopted by the General Assembly in 1979 imposes a duty of service to the community upon all officers of the law [article 1]. This notion necessarily requires that security forces strive to ensure that all citizens benefit from elections that are administratively sound and free of any disruptive forces which seek to undermine the free expression of popular will.

The Code of Conduct provides that "law enforcement official shall respect and protect human dignity and maintain and uphold the human rights". This includes not only the human right to take part in elections, but all human rights.

Police agencies that do not respect fundamental human rights have the potential to create an intimidating atmosphere that will inhibit the electorate and thereby subvert the genuineness of the elections' outcome.

K C Pant

The appointment of Mr. K C Pant as a pointman on Kashmir, has received an encouraging response in Jammu and Kashmir. Hurriet, may not have struck a timely and more energising chord but there are, I am sure many other postures, that usually elude the grasp of public eye. And that the parties remain duly sensitive to each others position.

On balance, with his negotiating skills dating back to cow agitation of 1966, he has reached out to various schools of public opinion in the various regions of Jammu and Kashmir.

Major challenges, for his institution, are that he should ensure to remove the ring of any suspicion around these elections. People need to have an informed choice and civic education, around the elections as a basic human right and right to self-determination as a separate basic human right. Public needs to be educated that there is no legal 'common' between the two.

People should be educated and assured around Prime Minister's promise -when he said "Our doors are open. I appeal to all militant groups and organizations, which believe in peace to join the Centre's efforts for a peaceful resolution of the Kashmir issue---Leave the Constitution. Talks should be held within the limits of 'insaniyat' so that violence is stopped and no more blood is shed".

The situation and the people of Kashmir need to be studied directly and in person. The 'file brief' approaches of the past would be once again misleading and in vain.

Question of Five Generations

Electoral tangle is not as simple as it might appear to be. There are questions surrounding the Prime Minister's faith in the 'constitution of Insaniyat', his acknowledgement of 'pain and agony' of the people, his assurance of 'free and fair elections' and his understanding of 'Kashmiriyat', as a fine example of the Sarva Dharma Samabhava.

These attributes need to trickle down to the lower strata of the system. There are people deep in the Indian and Pakistani system, who are unwilling to put down the chips of their prejudice and would enlarge the constituency of interest and continue to ferment trouble.

It is on this point that hands of prejudice deep down in the Pakistani system, would not endorse a porous border and a freedom of travel of the people across the line of control. The division of the people and their tragedy is fundamental to their survival in authority and abuse of power. They turn a blind eye to the Kashmiris right to travel and family union. More so, they have no qualms to turn their back on the much-coveted UN resolutions on the question of 'freedom of movement'.

India on her part too has a historical and constitutional obligation towards the five generations of the displaced people. Nehru Abdullah agreement of 20 July 1952, documented in the 'Resettlement Bill of J & K Assembly of 10 May 1982' has now been returned by the Supreme Court of India, stating that the Bill became an Act as back as in 1982. J & K Assembly has remained more progressive and pro people as compared to Azad Kashmir Assembly on the question of displaced people.

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Our gratitude is due to all others for their valuable time , helpful interaction, understanding and good will. Anonymity at times is the beauty.

**Human Rights are
Every one's responsibility
Know them
Demand them
Defend them**