



**PERMANENT MISSION OF INDIA  
TO THE UNITED NATIONS OFFICES  
9, RUE DU VALAIS,  
1202 GENEVA  
Tel. : 022-9068686  
Fax : 022-9068696**

NV.15/2016

26<sup>th</sup> September 2016

The Permanent Mission of India to the Office of the United Nations and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the Joint Communication No.AL IND 15/2016 dated 28<sup>th</sup> July 2016 from the Special Rapporteur on extra-judicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on the situation of human rights defenders, has the honour to enclose a detailed response from the Government of India.

The Permanent Mission of India to the Office of the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



**Office of the High Commissioner for Human Rights  
Special Procedures Branch, TESPRDD  
Palais des Nations  
Geneva  
Fax: 022 917 9008**

**OHCHR REGISTRY**

27 SEP. 2016

Recipients :.....S.P.2.....

Enclosure .....

## **Response from the Government of India to the Joint Communication on the situation in the Indian State of Jammu & Kashmir**

**No. 1: Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations**

- For the last many decades, India has suffered major losses, including lives of innocent civilians and security personnel due to terrorist attacks fomented and supported by terrorist organisations operating from a neighbouring country and territories under its occupation. The fundamental reason for disturbances in the Indian state of Jammu & Kashmir (J&K) is this cross-border terrorism.
- The current state of civil unrest in Kashmir began in the aftermath of the death of three Hizbul Mujahideen<sup>1</sup> terrorists including Burhan Wani in an encounter with security forces including the J&K State police, on 8 July 2016. At the time of his death, Burhan Wani was named in First Information Reports (FIRs) in 15 criminal cases connected with his involvement in various terrorist activities including murder, attempt to murder of civilians, political leaders and security personnel, causing grievous injury to local people, snatching arms and ammunition from the security forces, possessing illegal arms/ammunition, attacking, firing and killing of the elected local body representatives and security forces, threatening and inciting the local youth to pick up arms and join terrorist outfits and using social media for threatening to kill local people and security forces etc. 3 AK rifles, 9 Magazines, 250 Rounds, 4 UBGL, 2 Grenades, 3 Mobile batteries, 2 Pull-through, 2 ear phones, 2 LED lights and 2 Mobile Airtel SIMs have been recovered from the slain terrorists.
- The terrorist Burhan Wani had extensively exploited the social media to popularize terrorism, spread his nefarious message and recruit vulnerable youth. He uploaded a number of pictures and videos of gun-wielding terrorists for the purpose and threatened to kill J&K Police personnel, if they continued anti-terror operations. In one of the videos, he outlined his views, similar to the propaganda by the ISIS to recruit people in its fold. His approach and method closely resemble efforts directed towards establishing ISIS in J&K and aligning his terrorist acts with wider global terrorism.
- Hizb ul Mujahideen (HM) is a terrorist organization banned under section 35 of the Unlawful Activities (Prevention) Act in India. HM has been engaged for many decades in terrorist activities in India and has been designated as a terrorist organisation by India and the European Union. UN-sanctioned Jaish-e-Mohammed (JeM) and Lashker-e-Tayyeba (LeT) are terror outfits linked to HM and this outfit works under the banner of United Jihad Council (UJC) operating from Pakistan. The headquarters of UJC are based in Pakistan and its Main Training Camp is located at Muzaffarabad in Pakistan Occupied Kashmir (POK). The self-styled supremo of HM - Syed Salahuddin also heads the UJC. It may be recalled that UJC

<sup>1</sup> Hizbul Mujahideen (HM) was started as an armed wing of Jamaat-e-Islami in J&K in the early 1990s. HM is supported by Pakistan and is used by Pakistan to project at the global stage that the armed struggle in Kashmir is indigenous. Since its creation, HM cadres have been infiltrated to Pakistan/PoK, taken to ISI training facilities, equipped and armed and then subsequently infiltrated into J&K for armed attacks. Its supreme commander, Syed Salahuddin, has also been designated as Chairman of United Jihad Council, a conglomerate of various terrorist groups including Lashkar-e-Taiba (LeT) and Jaish-e-Mohammad (JeM) by the ISI. HM has been banned by Government of India (GoI) on 24 October, 2001 under Section 10 of Prevention of Terrorism Ordinance-2001 which became POTA under GoI notification dated 28 March, 2002.

had also claimed the responsibility for the terrorist attack on Pathankot Airbase in the Indian state of Punjab on 2<sup>nd</sup> January 2016. Syed Salahuddin receives funding from Jamaat-Ud-Dawa (JuD) headed by Hafiz Saeed – the mastermind of 26/11 terror attack in Mumbai. Salahuddin confirmed on the website of HM that Burhan Wani was a commander of this terror outfit.

- UN-sanctioned Pakistani terrorist Hafiz Saeed along with Syed Salahuddin are influencing the Pakistan Government's agenda on J&K and instigating the people of the state of J&K. On 8<sup>th</sup> August 2016, when Salahuddin threatened nuclear war against India, Pakistani authorities remained silent to the provocative statement.
- Syed Salahuddin and Hafiz Sayeed made public speeches in Pakistani media that Burhan Wani was in regular touch with them. On 19<sup>th</sup> July 2016, Hafiz Sayeed acknowledged being in touch with him till a few days before he was killed in the encounter. All this clearly implies that the killed terrorist was in regular touch with his mentors - the Pakistan based internationally sanctioned terrorist leaders.
- The news of the death of the three terrorists on 8 July, 2016 was exploited by their mentors in Pakistan on various platforms, especially the social networking sites by giving an impression that the terrorists were killed in a 'staged encounter'. The motive behind such malicious campaign was clearly to incite tempers and inflame passions of the public in general and youth in particular. The youth were instigated to indulge in stone pelting and violent protests against security personnel and public property.
- Saifulla Bahadur Ali, the Pakistani terrorist who was nabbed by Indian security agencies during a gunfight in Kupwara district of J&K on July 25, 2016 told the Indian authorities that he hailed from Lahore in Pakistan and had undergone training in Lashkar-e-Taiba camps in Pakistan and Pakistan Occupied Kashmir. Ali told Indian officials that he crossed into India from Leepa Valley in Pakistan Occupied Kashmir two months earlier along with 4-5 other Pakistani terrorists and was operating under the nom de guerre Saifullah with explicit instructions from their Pakistani handlers to mingle with the protestors and attack the Indian security forces by lobbing hand grenades.
- Violent protests led by extremist elements supported by Pakistani terrorists were witnessed in the Kashmir Valley. The protestors targeted security installations, particularly in South Kashmir and parts of Central and North Kashmir with the support of armed terrorists. The protestors indulged in vandalism, by attacking the Police Stations/Posts and other Government establishments. During the one week period from 8<sup>th</sup> - 14<sup>th</sup> July, 2016 alone, twenty two such Government establishments including 3 School Buildings were set ablaze and 49 Government assets were damaged. Further, Arms & Ammunitions were looted from a Police Station and attempts have been continuing during the violent protests to snatch the weapons and ammunitions from the Security/Police personnel. This confirms beyond any shred of doubt that the sole aim of violent mobs was to cause harm to the security forces and indulge in vandalism,, thereby, disturbing law and order and breach of peace.

- The Indian Security Forces have been at the receiving end of terror and violence fomented by Pakistani entities but has used minimal force in Counter-Terror operations in order to avoid civilian casualties. From 9<sup>th</sup> July to 7<sup>th</sup> September 2016, 5641 Personnel of Security Forces and 7709 civilians were injured in various incidents of violence in the Valley.
- The State of Jammu and Kashmir is an integral and inalienable part of India. India also firmly believes that a policy of zero tolerance to terrorism is as much an international obligation as it is a commitment to our own people. In this regard, it is recalled that many countries have repeatedly called upon Pakistan to end its support to cross border terrorism; dismantle the infrastructure of support to terrorism; and to stop acting as a safe haven for international terrorism. Such demands which became pronounced in the early 2000s have now assumed further urgency in the backdrop of the emergence of nexus between international terrorist organisations like Al-Qaeda and ISIS and their terrorists finding sanctuaries of support in Pakistan.
- The constitutional order that applies to the whole of India also applies to the State of J&K with certain exceptions and modifications intended at preserving J&K's special status within the Union of India. The institutions that oversee the adherence to Rule of Law and respect for fundamental rights of the citizens in J&K include the Supreme Court of India, National Human Rights Commission of India, the J&K High Court and the cross-section of numerous civil society voices that play a vibrant role in Indian society.
- During the Monsoon Session of the Indian Parliament (*July 18 to August 12, 2016*) both Houses of Parliament i.e. Lok Sabha (Lower House) and Rajya Sabha (Upper House) discussed in several sittings the unrest and violence in some parts of the Kashmir valley in the Indian state of Jammu & Kashmir which also encompasses the Jammu & Ladakh regions. The Rajya Sabha unanimously adopted a resolution calling for a return to normalcy in Jammu & Kashmir. Through the resolution, Rajya Sabha earnestly appealed to all sections of the society in the State of Jammu and Kashmir to work for the early restoration of normalcy and harmony and unanimously resolved to restore the confidence among the people in general and youth in particular. The resolution also emphasised that while there cannot be any compromise on national security, it is equally imperative that urgent steps are taken to restore order and peace for the alleviation of the sufferings of the people.
- Hon'ble Prime Minister of India chaired an all party meeting on 12 August 2016 to discuss the situation in J&K. During the meeting, the Prime Minister stated that the Government was ready to address the perceived grievances of the protestors as per the Indian Constitution. Hon'ble Prime Minister in his radio address to the nation through 'Mann ki Baat' (lit. *From the Heart*) stated unequivocally that any loss of life, whether of any youth or security personnel, is "our loss, a loss of our own people and our country."
- Prime Minister himself regularly reviewed the situation and chaired an All Party Meeting of the Members of the Parliament; Union Home Minister visited J&K twice and held detailed discussions with all the political parties of J&K and various delegations representing the people of J&K; and an All Party Delegation of

Members of the Parliament led by the Union Home Minister visited the State on 4-5 September, 2016 and has held detailed discussions. Similarly all the national television channels and newspapers have been regularly reporting about the incidents in the Kashmir Valley. Freedom of the press remains unfettered. There are no restrictions on freedom of speech and expression and on media to air its views.

- Notwithstanding the above, reportedly there were temporary interruptions in the publication of certain local newspapers due to violent protests and law & order disturbances, for a few days. However, the online editions kept on rolling out without any break. Newspapers as well as Television channels are freely running their services across the Valley.
- Law enforcement agencies of the state had taken necessary measures to prevent instigators of violence from spreading malicious content for inciting violence through social media. As mentioned above, social media was actively being used by HM terrorist Burhan Wani for recruitment of terrorists and spreading the ideology of ISIS. While the print and electronic media functions on the principles of self-regulation, there is complete absence of such norms being followed on internet, especially social networking sites.
- On 7 September, 2016 Union Home Minister chaired a meeting attended by the all-party delegation members who had visited Srinagar from September 4-5, 2016. During this meeting, an all-party resolution was passed and an appeal for peace and dialogue with all to resolve the current stalemate was made. Some of the highlights of the resolution included the following:
  - i. *The next phase of the government's political outreach in Kashmir will include sending smaller groups of parliamentarians to Jammu & Kashmir to talk to various sections and groups.*
  - ii. *The resolution requests the Central and State Government to initiate dialogue with all stakeholders.*
  - iii. *The resolution has appealed for steps to be taken to reopen schools and other institutions in Kashmir. It also requests the Government to ensure the security of citizens and security personnel in the troubled parts of the Kashmir Valley.*
- The Rs. 80,000 crore (approx. USD 12 billion) package announced by the Prime Minister for J&K on 07 July 2016 is being fast tracked. Under the package, the State will be given financial and other assistance especially in educational infrastructure, sports infrastructure, restoration of damaged infrastructure and horticulture sector, restoration of livelihood for traders/self employed and enhancing the physical infrastructure across the State.
- In a bid to promote sports and to engage the youth of Jammu and Kashmir constructively, Hon'ble Prime Minister on 2 September, 2016 announced further a special package of Rs. 200 crore (approx. USD 30 million) for the State.
- India being a democratic country is wedded to the ideals of rule of law, independent judiciary and fiercely independent media; utmost importance is given to upholding the basic rights of the people, including the right to peaceful assemblies/protests.

- Further, the National Human Rights Commission (NHRC) at National level and the State Human Rights Commission (SHRC) at State level are duly empowered to take cognizance of, and adjudicate the complaints about any human rights violations providing a robust framework to the citizens to seek justice against infringement of their rights.
- The State of J&K is governed by the rule of law, as established under the Constitution of India and the Constitution of J&K. There are laid down laws and procedures to deal with offences/crimes. In the event of violence or law & order incidents like those under discussion, a First Information Report (FIR) is lodged in the concerned Police Stations, and investigation is initiated as per the procedure established by law. Based on the comprehensive investigation, the matter is charge-sheeted before the competent court for trial. After the conclusion of trial, the Courts decide about the nature and quantum of punishment, if any, in accordance with the provisions of law. In the current context, all the incidents of law & order are under various stages of investigation.
- Indian Parliamentary democracy works on the principle of separation of powers between the three organs of State, with judiciary enjoying complete independence in accordance with the Constitution of India. There is no interference in the judicial processes from the Legislature or Executive, and all the matters relating to law & order or offences/crimes committed are subjected to trials in the competent courts of law in an impartial manner.

**No. 2: Please provide the details, and where available the results, of any investigation carried out in relation to the allegations of excessive use of force and indiscriminate shelling at crowds by security forces which resulted in 36 dead and over 1,400 injured. If no enquiries have taken place, or if they have been inconclusive, please explain why. Please provide the full details of any prosecutions which have been undertaken in this case.**

- The turnout at Burhan Wani's funeral presented a huge challenge for security forces as the mobs of hundreds of protestors resorted to pre-planned violence and orchestrated attacks on security force (SF) personnel and Government establishments in various parts of the valley by stone pelting and arson. SF personnel were attacked and weapons were snatched from them in many places. The violence was so vicious and well-planned that the security forces were constrained to use the pellet guns (Pump Action Guns) classified as non-lethal, in their self defence even while maintaining maximum restraint.
- Subsequently, Hon'ble Prime Minister and Union Home Minister had instructed the SF personnel to display absolute restraint and SF personnel have used minimal force in the face of violence and terror unleashed by mobs supported from across the border. This is evident from the fact that from 9<sup>th</sup> July 2016 to 7<sup>th</sup> September 2016, 5641 Personnel of Security Forces and 7709 civilians were injured.
- In a communication dated 22 July, 2016 received from the Office of the High Commissioner for Human Rights (OHCHR), Government of India have been

informed about OHCHR receiving a large number of messages, appeals, testimonies and photos, which suggests the involvement of Indian security personnel in instances of excessive use of force by using pellet guns, tear gas and live ammunition. Government of India has apprised OHCHR in this regard. It is pertinent to mention that High Commissioner for Human Rights (HCHR) in a communication dated 29 July, 2016 has acknowledged the various steps taken by the Government of India in addressing the many concerns regarding human rights emanating from the response of the Indian security forces to the violent protests subsequent to the death of the terrorist Burhan Wani.

- Regarding allegations about human rights violations and excessive use of force, it is pertinent to note that as per prescribed Standard Operation Procedures implemented by Indian security forces, no firing is done unless in self-defence and in order to maintain law and order and to protect the lives and property of the people. Needless to mention, any police action undertaken in such situations is always undertaken strictly as per established norms and practices which have been approved under relevant laws and regulations of the Government of India.
- The issue about the use of pellet guns as a non-lethal method of crowd control has also been widely debated in the Indian Parliament recently. During his two-day visit to Srinagar on August 24-25, 2016, the Union Home Minister Rajnath Singh suggested that an alternative to pellet guns would be given to security forces. The issue about the use of Pump Action Guns (pellet guns) as a non-lethal method of crowd control has also been widely debated in the Parliament recently. Taking cognizance of the concerns so expressed, the Ministry of Home Affairs, Government of India has constituted an Expert Committee, to suggest the other possible alternatives to the pellet gun for Non-lethal methods of crowd control.

**No. 3: Please provide the details of any disciplinary measures imposed on, and criminal prosecutions against persons found to be responsible, as perpetrators or as responsible commanders, for the alleged violations.**

- The Deputy Inspector General (DIG) in South Kashmir and the Senior Superintendent of Police (SSP) in Anantnag (which has been most affected by the violent protests) have been transferred.
- On 19 July, 2016, the SSP in Srinagar was directed by a local court to register a case against a Deputy Superintendent of Police (DSP) and other police personnel for allegedly murdering a youth after breaking into his house during the unrest on 10 July, 2016. It was also ordered that the case could not be investigated by anyone below the rank of DSP. A non-bailable warrant was later issued against the SSP for not obeying the court order for registering a case within the allotted time-period. A petition against the filing of the report against the DSP was dismissed by the Jammu and Kashmir High Court which directed the Chief Judicial Magistrate of Srinagar to initiate contempt proceedings against the SSP if the report was not registered. The

Supreme Court however stayed the contempt proceedings against the SSP as well as the Inspector General of Police on 9 August, 2016.

- A Central Reserve Police Force (CRPF) Sub-Inspector who has been said to have allegedly shot an ambulance driver on 18 August, 2016 was suspended the following day over the incident. On 18 August, 2016 a probe was ordered on the same day into the death of a person who was allegedly killed after the raid of the SF personnel forces in a village (Khrew) in J&K.

**No. 4: Please state whether any compensation was, or is intended to be, provided to the families of persons killed or injured by the security forces in the course of the incidents alleged here**

- The State Government of Jammu & Kashmir runs schemes for grant of ex-gratia/compensation in favor of the Next of Kin of innocent and law abiding citizens losing their lives in terrorist violence, law & order disturbances and civil commotion.

**No. 5: Please indicate what measures have been adopted by your Excellency's Government to regulate the use of force by law enforcement officials and to provide them with adequate training and equipment for the management of assemblies. How did the security forces ensure compliance with the requirements of necessity and proportionality?**

- There are laid down guidelines and Standard Operating Procedures (SOPs) for handling the crowds, which include imparting of adequate training and provision of necessary equipment to the Security/Police personnel. After the law & order incidents of 2008 and 2010, adequate manpower of the Police/Security Forces has further been trained and equipped in crowd management techniques. However, as has been explained earlier, the scale and intensity of violent protests, aided and abetted form across the border, during the current phase of law & order disturbances has been unprecedented.
- During the all party meeting held on 12 August, 2016, all the members agreed that Government of India has adequate domestic checks and balances to adequately address the situation in the State of J&K.
- Besides, an elected State Government is in place. The elections to the Legislative Assembly of Jammu & Kashmir held in 2014 witnessed highest voter turnout in last 25 years. Voter turnout was more than 66%, which is higher than usual voting percentage in other states of India. It is an accepted fact that no Government established by law through democratic means can succumb to such threats from terrorists. The Government of the State of J&K is under statutory obligation to take all the necessary steps to safeguard the lives & properties and maintain peace and order in the society, and ensure that unruly crowds do not trample upon the basic rights of the millions of citizens. Accordingly, restrictions were imposed on the movement of people, including promulgation and enforcement of prohibitory orders



under legal statutes in certain identified areas in order to thwart the attempts to spread unrest/disharmony and endanger public life and peace. These prohibitory orders were issued, lifted or re-issued depending on the assessment of law and order situation by the State Administration during the period. However, as the situation showed improvement, the prohibitory orders were lifted from most parts of the Valley towards the end of July, 2016, though some restrictions are still put in place, as and when required, in localized areas, to ensure against any peril to peace and public order.

**No. 6: Please provide information regarding allegations that security forces restricted access to healthcare to protesters injured during the events and how this is compatible with international human rights standards.**

- Since 9<sup>th</sup> July, 2016, the Healthcare facilities across the Kashmir valley have remained fully functional round the clock and the Government health institutions have continued to provide treatment to all the injured patients who have reported to/ have been brought to these institutions.
- Further, it has been ensured that there is no shortfall in the availability of medicines/ drugs, disposable items etc. in these institutions. The concerned authorities have been under strict instructions to ensure that all the injured patients who report at the Government health centers/ hospitals are provided treatment, free of cost and that the patients are not required to procure any medicine at their level. The stocks of medicine have been timely replenished in all the hospitals.
- The hospital authorities have also been providing food, free of cost, to all the patients as well as their attendants. Further, sufficient availability of blood units has been ensured in the respective Blood Banks/ Blood Storage Units and there has been no shortfall in the availability of blood required for transfusion to the injured patients. Blood donation camps were also organized during the period to ensure that adequate stocks of blood were available to meet any contingency. This was in addition to the blood already available in the hospitals. Other donors were also kept on standby, should the need arise.
- 566 ambulances available in Kashmir Division of J&K remained functional, of which 188 ambulances suffered damages due to stone pelting by the protestors, due to which 10 ambulances were grounded. The rest of the fleet continued to provide services to the needy. These ambulances have efficiently catered to the entire patient-load. The drivers have remained on duty for ensuring round the clock operability of the ambulance fleet. Similarly, adequate transport and other arrangements were made for movement of the doctors & others healthcare professionals and ensuring their round the clock availability in the healthcare facilities for providing treatment and care to the patients.
- The State Government arranged the visit of three-member team from premier medical institutes in India including AIIMS Delhi to SMHS Hospital, Srinagar on 14.07.2016 for the convenience of the patients. The team expressed utmost satisfaction at the course of interventions undertaken by the Hospital, treatment

protocols followed and the facilities made available for ophthalmic care. Free of cost treatment has been offered to all such patients, who may require treatment outside the State, including at AIIMS.

- The State Government also made all arrangements to shift 04 patients of eye injuries for further specialized treatment to AIIMS New Delhi on 23.07.2016, at no cost to the patients. The State Government also secured services of a three-member team (specializing in retinal surgery) from Aditya Jyot Hospital, Mumbai. The team, over a period of 3 days from 26<sup>th</sup> to 28<sup>th</sup> July, 2016 undertook 48 high-end retinal surgeries and examined all the patients admitted there. The team expressed satisfaction at the protocols being followed and further observed that the facilities available for eye interventions at SMHS match the best in the country, and that the patients don't require to be shifted outside the state for further treatment.
- Two Public Interest Litigations (PILs), one each before Hon'ble Supreme Court and Hon'ble High Court of Jammu & Kashmir were filed in the context of the prevailing law & order situation in the State of Jammu & Kashmir. It is pertinent to note that the Hon'ble High Court of J&K, in its order dated 26.07.2016 in PIL No. 13 of 2016 title JK People's Forum V/s State of J&K expressed satisfaction at the facilities being provided by the State Health & medical Education Department. Similarly, the Hon'ble Supreme Court of India also took full stock of the measures taken by the State Government to mitigate/reduce inconvenience to the people during restrictions, and for ensuring the healthcare services, essential supplies, etc. in pursuance to the PIL filed before it.
- While most of the civilians have been discharged, the cumulative details are as under:

S. No.	Item	Numbers (from 9 <sup>th</sup> July to 31 <sup>st</sup> Aug 2016)
1.	No. of patients received in Health Institutions with major/minor injuries	7,709 (as on 07.09.2016)
2.	No. of patients treated and discharged	7,585 (as on 07.09.2016)
3.	No. of patients admitted as on date in various hospitals across Kashmir valley	124 (as on 07.09.2016)

**No. 7: Please provide information about the legal basis for the restrictions on the rights to freedom of expression and of peaceful assembly through the blanket bans placed on media channels and access to Internet and the imposition of a curfew. Please explain how these measures comply with international human rights standards, such as article 19 and 21 of the ICCPR.**

- Various institutions of the Indian state are working together to ensure that the fundamental rights of the Indian citizens in the State of Jammu and Kashmir are

not infringed upon, and required remedies under the law are available to them easily.

- It may be noted that:

- i. India is a party to International Convention on Civil and Political Rights (ICCPR), 1966.
- ii. Article 19 (2) of ICCPR **provides for** right to freedom of expression; nonetheless, 19(3) states that the exercise of the right carries with it special duties and responsibilities and therefore is subject to certain restrictions, as are provided by law of the State party and are necessary (a) for respect of the rights or reputations of others; (b) for the protection of national security or of public order (ordre public), or of public health or morals.
- iii. **Article 21 of ICCPR, recognises** the right of peaceful assembly; however, restriction may be placed on the exercise of this right in conformity with the law of the State party and which are necessary in a democratic society in the interests of national security or public safety, public order the protection of public health or morals or the protection of the rights and freedoms of others.
- iv. Further India has made a declaration concerning Article 19(3) and 21 of ICCPR that the provisions of the said [article] shall be so applied as to be in conformity with the provisions of Article 19 of the Constitution of India.

- The Constitution of India guarantees to all citizens fundamental rights, such as right to freedom of speech and expression and to assemble peacefully and without arms under Article 19.

- i. However, with regard to the right of freedom of speech and expression, the State could make any law, in so far as such law imposes reasonable restrictions on the exercise of the right in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence (Article 19(2) of the Constitution of India).
- ii. The right to assemble peaceably and without arms shall not prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right (Article 19(3) of the Constitution of India).

- It may also be noted that the citizens and elected representatives of the State of Jammu and Kashmir and other parts of India have been expressing their views freely regarding the current situation in various fora, including the national media all through this period.

\*\*\*