



THE JAMMU FILES - Kulhand Carnage

Rajeev Kumar Nagotra

A student of class 2 in the primary school of village Thawa in Kulhand (Doda), Sapna had celebrated her 7th birthday 58 days ago. The power supply in her village is typically erratic during the day but remains uninterrupted after 6:00 pm. The night of April 30, 2006 was unlike any other though.

There was no electricity in the village even after 6:00 pm. The Hindu families living in her village had not suspected the ominous events waiting to unfold that night. After all, this village is perched atop one of the remote and lofty mountains 30 kms away from the Doda city and almost 200 kms from the winter capital, Jammu. The terrain is tough and the facilities meager. The Government is invisible and the governance unexpected. The Muslims, comprising 30 percent of the population, had, by the way, reminded the villagers of a "meeting" to be held "soon" to settle a certain dispute regarding a piece of forest land in the village. The "soon" turned out to be 7 days and "the meeting" was called at 12:30 am. Sapna had been asleep for little over four hours after what would become her last supper with her brother, Sumit (3 years) and her elder sisters Indra, Sumna and Ranju. Her younger brother, Amit (3 months), had not started the solid food yet and would get to sleep close to his parents, Gillo Devi and Jagdish Raj Bhagat. The sky over Kulhand had been clouded since evening that day and there was lightening too. It was very cold for that time of the year, so the family had decided to sleep in the kitchen.

At 12:30 am the process of convening "the meeting" began in the village, Thawa. Three men, armed with AK 47s, wearing army fatigues and sporting long beards, started going around the village knocking at the door of every Hindu family and asking the young and able men to assemble at Jagdish Raj's house for "a meeting". The presence of terrorists had stopped evoking shock in Kulhand for a while now. As long as you did their bidding and did not seem to have anything to do with the army they would not give you too much of a trouble. They might enter your courtyard to ask for a glass of water or to wait while your women did their laundry or cooked food for them. Occasionally, they would call a meeting to give instructions and warnings. The menfolk, therefore, assumed that this would be just another meeting in which the armed terrorists would make a speech and issue fresh instructions. So, they left their homes and started walking unsuspectingly towards Jagdish's. A few women had, however, succeeded in persuading the terrorists that their men were not home. A few others had succeeded in persuading their menfolk against stepping outside.

A total of 13 men including her husband had assembled in the room adjacent to Gillo Devi's kitchen. She was asked by the terrorists to bring them water. She handed them a tumbler each and poured water into them from a jug. As soon as she turned around to go back to her children in the kitchen, one terrorist opened fire at her while the other two showered bursts at the men sitting in the adjacent room. A deafening shriek escaped Jagdish's old mother's mouth. She came rushing out of the kitchen to find her daughter-in-law lying in a pool of blood on the floor. Possessed with rage the old woman hurled herself upon one of the killers and snatched his AK-47. Before she could do them any harm, the three terrorists had overpowered the old woman. Unmoved by her wails, they



Kulhand martyrs memorial.

headed for the six children in the kitchen and sprayed them with bullets too. In the absence of electricity, they had emptied three magazines on the 13 men, the six children and Gillo Devi. Sapna died that night. So did her dotting father, Jagdish Raj Bhagat, and eight other men in the adjacent room. Bullets had shredded Gillo Devi's right foot and her daughter Sumna's leg. Three of the men assembled in her house had received injuries but survived. Sumit has been mentally unwell ever since but smiles easily when you greet him. Indra and Ranju are married now and keep checking on their partially paralysed mother and brothers from time to time. Sumna, who had a rod fitted into her broken leg, was abducted away by a Muslim boy of the same village when she turned 15. The boy's family says that the two are living "happily" somewhere in Kashmir. Amit is 16 years and 3 months old now and does not like to be around when someone visits the family to discuss that night. If you ask Gillo Devi about what happened to her family in "the meeting" that night, she replies, "2 dead, 2 injured". Mechanically, without a tear in her eyes.

There was another "meeting" happening at the exact same time in the neighbouring hamlet, called Punchhara. Three armed men had caught hold of Thakkar Rana and taken him to all the Hindu houses. With the gun pointed at Rana's head, they made him knock at each door and ask the men of the family to assemble at the Nambardar Gopi Chand's residence for a "meeting". 14 men had assembled at the Nambardar's house. One of the men, Bodh Raj

Sharma, was asked to light an earthen diya. Gopi Chand, the host, was standing while everyone else was sitting waiting for the terrorists to begin their "speech". He grabbed the diya from Bodh Raj and held it higher. The "meeting" began. With the very first burst, the host Nambardar Gopi Chand Sharma collapsed and the diya fell off his raised hand. In the absence of light, three magazines were exhausted. 10 men died and four were injured. Bodh Raj was one of them.

The meetings in the two villages were synchronized. The knocking at the doors had begun around midnight. "The meeting" was started at 2:30 am and culminated in a few minutes after emptying three magazines each at Gillo Devi's house as well as at the Nambardar's house. The two groups of the terrorists disappeared from the villages together after hanging around for some time. Gopi Chand's wife was not home that day. His four daughters and two sons had been locked up in a separate room by the perpetrators. They broke the door open somehow and raised alarm, and gave water to the dying and the injured. The families started coming out looking for their men at the sites of the carnage, but no one from the other community stepped outside. Ratan Singh's was one of the three Hindu families living in the cluster. His aunt and other women went around knocking at the doors of the others begging for help while their men were being taken out. No one responded to their pleas. Before dawn, twenty dead bodies of Hindus were placed along the edge of a

narrow sidewalk near where there is a memorial now. Babu Ram Sharma saw his 68 years old father, Prem Nath Sharma, amongst the dead. He became numb and quiet, and started walking downhill thoughtlessly. Somebody brought him back the next afternoon from Doda city. He had walked 30 kms in that state of shock.

The memorial of Kulhand martyrs

The dead bodies of Shish Ram Sharma (60), Satish Kumar Sharma (28), Gori Lal Sharma (67), Prem Nath Sharma (68), Kunj Lal Sharma (62), Gopi Chand Sharma (45), Mager Singh (46), Ram Raj (42), Pritam Singh (33), Balwant Singh (34), Rupal Singh (27), Sadhu Ram Sharma (60), Saroop Ram Sharma (43), Kumwar Singh (57), Sundar Singh (50), Ramesh Kumar (27), Jagdish Raj Bhagat (36), Panchhi Ra Gaddi (30), Bal Krishan Sharma (45) and Sapna Devi (7) were laid down on the sidewalk seen here.

19 innocent men and little Sapna had lost their lives in what is now remembered as the Kulhand Massacre. In its aftermath, the BJP Government at the center offered .303 Rifles to the Hindus for their self defense. The Hindus faced two choices - either to accept the Rifles or to flee the village. Babu Ram Sharma and 123 other villagers decided to accept the Rifles. No Hindu family migrated from Kulhand much to the chagrin of those who had provided the logistic support to the terrorists. This was their way of declaring their resolve to stay back and fight. This was their way of paying homage to the 19 men and little Sapna.

Voyage of Legal Aid in J&K

M K Sharma

While the Preamble to the Indian Constitution promises to secure to all citizens, Justice-social, economic and political, Article 39(A) of the Constitution of India provides for free legal aid to the poor and weaker sections of the society, to promote justice on the basis of equal opportunity. Additionally, Articles 14 and 22(1) of the Constitution also make it obligatory for the state to ensure equality before law. Thus, Constitution of India enshrines Justice as the very basis of democracy in India.

To achieve the objectives of the Constitution of India, the erstwhile state of J&K vide Govt. Order No. 1223 dated 26.10.1987, constituted a board called J&K State Legal Aid and Advice Board for providing free legal services to the weaker sections of the community. However, in the year 1997, the J&K State Legal Aid and Advice Board was repealed by Jammu and Kashmir Legal Services Authorities Act 1997, which provided for establishment of State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authorities and Tehsil Legal Services Committees to provide free and competent legal services to the weaker sections of the society and to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to ensure that the operation of the Legal System promotes justice on the basis of equal opportunities. In August 2019, the Parliament passed the J&K Reorganization Act 2019, which came into force on 30.10.2019, by which the state of J&K was bifurcated into two Union Territories called UT of J&K and UT of Ladakh. By virtue of the same legislation, J&K Legal Services Authorities Act, 1997 was repealed and the Legal Services Authority Act 1987 (Central Act) came into force in the UT's of J&K and Ladakh. The UT of J&K has constituted the State Legal Services Authority vide notification dated 2nd of December, 2019.

The Legal Services Authorities Act is the pioneer enactment to achieve the noble objectives of the Constitution of India and other laws. The guarantee of equal justice is meaningless if the poor or the illiterate or the weak persons cannot enforce their rights because of their poverty, illiteracy or weakness. Therefore, the first and foremost

duty of all the stakeholders associated with legal services institutions is to empower the weaker sections of the society by removing barriers to access to justice.

J&K Legal Services Authority under the patronage of Justice Pankaj Mithal, Chief Justice, High Court of J&K and Ladakh and Patron-in-Chief J&K Legal Services Authority and the dynamic leadership of Justice Ali Mohammad Magrey, Executive Chairman, J&K Legal Services Authority is steadily on its progressive march of realizing the avowed constitution goals aimed at providing free and competent legal services to the weaker sections of the society.

Numerous steps, in implementation of the provisions of the Constitution have been taken to reach out to the target beneficiaries. During the year 2021, J&K Legal Services Authority organized 4 National Lok Adalats and 35 Regular Lok Adalats for speedy and amicable settlement of disputes between the parties. In these Lok Adalats as many as 1,75,009 cases were disposed of and an amount of Rs. 294.76 cr. was settled as compensation. J&K Legal Services Authority provided court based legal assistance to 8824 people belonging to marginalized sections of society by providing free legal assistance. As many as 5,017 awareness camps for educating the public in general were organized benefitting 1,79,758 people.

Though the responsibility of managing disasters primarily lies upon the State but the Legal Services Institutions had always been in the forefront to coordinate with the administration to reach out to the victims of disaster. On coming to know about the cloud bursts and flash floods in Kishtwar and Bandipora districts of J&K in the month of July 2021, the DLSAs Kishtwar and Bandipora constituted core groups, who reached on spot to help the victims of the cloud burst.

With the aim to provide legal services to the poor and marginalized, the J&K Legal Services Authority has established 277 Legal Aid Clinics in UT of J&K almost on the lines of Primary Health Centers. These include 14 Legal Aid Clinics in all the jails of UT of J&K. The Legal Aid Clinics are regularly visited by the Panel Lawyers and PLVs for legal assistance to the needy including the jail inmates. J&K Legal Services Authority has empanelled 690 lawyers and have engaged 549 PLVs for providing legal assistance to



the marginalized sections. Apart this, 190 legal literacy clubs have been established in various schools and colleges across the UT of J&K to boost legal literacy amongst the students.

J&K Legal Services Authority is vigorously engaged in creating legal awareness by different modes including through electronic media in a program entitled "Kanoon aur insaf ki baat". The Secretaries of DLSAs deliver talks in this programme on different topics of legal importance. In the year 2021, Forty (40) talks were delivered. The J&K Legal Services Authority has not lagged behind in addressing the concerns of senior citizens. It is managing the affairs of 4 Day Care and Recreation Centers for senior citizens at Srinagar, Jammu, Kathua and Samba.

In order to provide relief to the people in filing cases in

the High Court through e-mode, J&K Legal Services Authority has established 14 Vidhik Seva Kendras, including one each in the High Court wing of Jammu and Srinagar and remaining at district headquarters. The process of establishing Vidhik Seva Kendras in the remaining 08 districts is also underway.

Apart this, two helplines with no.s. 1516 and 15100 (NALSA helpline) are manned by J&K Legal Services Authority for addressing the issues of the needy promptly. Though a lot has been done to provide legal assistance to the needy but much still remains to be done. I conclude with the famous lines of Robert Frost:

"The woods are lovely, dark and deep. But I have promises to keep, and miles to go before I sleep."

(The author is Member Secretary, J&K Legal Services Authority).