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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian-Eurasian Human Rights Forum, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09623 (E)



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Rights of peoples, and of specific groups and individuals

Mr. Chairman,

1. More than three hundred thousand persons of a small religious minority called Kashmir Pandits, an indigenous community of Kashmir valley in the Indian part of Jammu and Kashmir State, were extirpated from their homes and hearths in 1990 as a result of ethnic cleansing of that State.
2. Ever since, these internally displaced persons have been living dispersedly far away from their homeland in different parts of the Indian Union including some in refugee camps.
3. Owing to extirpation from their homeland, the community, during its two and a half decades of life in exile, has not lost only its material possessions but also its identity, cultural profile and personality.
4. The Government of India and the National Human Rights Commission of India, both, refused them the status of IDPs although they have been forced to leave their homes but have not crossed the national border. Indian government has given them the nomenclature of “migrants” although they never migrated out of their free will.
5. During twenty-five years since their exodus from their homeland, neither the Government of India nor the Government of the Indian State of Jammu and Kashmir offered any clear cut, viable and concrete plan of their return and restitution in their homeland. They have been left to fend for themselves.
6. The constitution of the State of Jammu and Kashmir of the Indian Union, to which they belong, does not recognize any minority of any denomination much less the religious minority though the UNHRC Working Group on Minorities has recognized them as “reverse minority” in its definition of a minority.
7. In recent months, and for the first time, there has been some talk in government circles in New Delhi and the State capital about return and restitution of IDPs back in Kashmir valley.
8. However, they neither take the IDPs on board nor stick to the guidelines of the UNHRC Working Group on IDPs for return and restitution of the IDPs. The government is only floating one half-hearted plan after another. only testing the reaction of the IDPs but not thinking of a viable plan that would be in consonance with the recommendations of the UNHRC directives for return and restitution of IDPs and also satisfy their requirements.
9. This has created much confusion among the IDPs. Their apprehension is that the Indian government may create conditions compelling them to go back to their original places of residence and thus expose them to grave threat to life and honour. Their original homes have been destroyed, burnt and vandalized during the long period of exile to different parts of the country.
10. The IDPs have categorically said that they would return to their homeland and reconstitute there according to their free will and in a manner they feel they would be safe and secure. They do not want to be refouled and they also want some assurance of livelihood in their renewed settlement.
11. In view of these facts, our NGO strongly requests the Human Rights Council to dissuade the Government of India from settling the displaced community either in a state of wide dispersal or in selected clusters as both are totally unacceptable to them. They have suggested creation of a new township for them in the peripheries of the capital city of Srinagar so that they are resettled collectively and compositely.
12. We appeal to the UNHRC to ensure that this victimized community is not exposed to threats of terrorists and religious extremists once again. It is a defenceless community. We also appeal that the community be allowed to settle collectively and compositely so that their political rights also accrue to them in a democratic and secular dispensation.

Kashinath Pandita

Secretary General