

‘Democratic’ India uses Army and Wages War with Its Own Kashmiri Citizens

In April 9, Farooq Ahmed dar, an embroidery artisan and a resident of village chill in Budegam of J&K was tied to a bonnet of an army vehicle, by army Major Leetul Gogoi during Srinagar – Budegam by elections, with a poster across his chest declaring him as a ‘stone-pelter’, was paraded in over a dozen villages to avoid being stone pelted, making an announcement indicating stone pelters will meet the same fate.

This brutal, inhuman and barbarous act of the Indian army, using a civilian as a human shield had triggered an outrage in the valley, as well was condemnation throughout the country by the democratic minded public as a dastardly act of the army, which is out landish, callous totally unjustifiable and offends the core constitutional values. Even some retired military officials said that this incident exposes the military’s disdain for human rights.

As a response to the outcry against this unjustifiable act of the Army, to pacify the anger of the people the police of J&K had booked on FIR against the Army major and the Army had constituted a court of enquiry in to the incident.

On the other hand, even before the starting of the announced court of enquiry and its probe some Union ministers and BJP leaders have vociferously supported and justified the army’s action raising the sentiments of ‘nationalism’ and ‘security of India’.

Army Chief General Bipin Rawat defended Major Gogoi’s use of a Kashmiri Civilians as human shield. He Justified that, his men needed “initiative “ to fight the dirty war” in Kashmir and when people throw stones and petrol bombs at army personnel, the response couldn’t be to wait and die. He even went to the extent of stating that “the army has to take operational decisions and these cannot be governed by what is said in the Parliament”.

Moreover the army Major Gogoi, who has been facing a court of enquiry by army itself has been awarded commendation by the army chief for his ‘quick thinking’ and for his’ over all achievements in counter terror operations. Thus a tacit approval for the dastardly action of Major Gogoi was granted by the army, even before the findings of the court of enquiry. The major was even applauded by the union defence minister. By awarding Major Gogoi the army chief has blatantly chosen to pre-empt the terms of debate, about the justification of the act!

On the very next day of awarding commendation, Major Gogoi was permitted to appear before media to plead that he did it (tying a civilian to the army jeep as human shield) “only to save the local people. Had I fired, there would have been more than 12 casualties.... and emphasised that “with this idea I have saved many people’s lives” Thus he was permitted to not only justify his callous and unwarranted action but also to project himself as the saviour of the people.

Thus the army had legitimised the act of cooking up and concocting the facts revealing the fact that the so-called enquiries and investigations are merely an eye wash and hood-winking the public.

In the domain of public debate the B.J.P and R.S.S cohorts whipped up hyper-nationalism, within the frame work of militarist nationalism, criticising any action of the army as treasonous. The actor – turned BJP MP Paresh Rawal has openly insisted by tweeting “instead of tying a stone pelter to the army Jeep tie up Arundathi Roy”. Since Ms Roy has been an open critic of the Army’s role in J&K. The debate has been skilfully reduced into stone pelters of Kashmir versus the patriotic army of India!

Major General B.S.Rajeev, General Officer Command of victor force, the Army’s anti insurgency grid responsible for much of slaughter in Kashmir concludes that ‘one can easily

make out that they (youth) indulge' in stone pelting because that is what they have seen while growing up. They are prisoners of the images that are around them since their birth... Quite a few did not even know why they were throwing stones"...." It is surprising to find that many of them throw stones just out of fun". Thus the military authorities are making every effort to simply that Kashmir youth are misinformed, disinformed and vain, and impress the Indian public with such wrong information, to keep them in oblivion.

But the facts that led the youth of J&K to stone pelting remain to be otherwise, than what has been painted by the rulers of our country and the Army.

The claim that our country to be a liberal democratic republic has remained to be a myth, particularly in J&K state for all these 70 years of so called independence. For all these years the rulers of our country have been denying the rights to the people of J&K which were constitutionally granted. They have been stubbornly denying offering "greater autonomy" to J&K and right of self determination to the people of Jammu & Kashmir.

Instead of allowing them to enjoy those constitutionally guaranteed rights, the rulers have chosen to suppress the people of J&K, with the might of the army, branding the people who are aspiring to assert their democratic right of self determination as separatists and insurgents. Every effort is being made to subjugate the people of J&K by the government of India.

The govt of India followed the foot-steps of its British colonial masters, by adopting a policy of doling out collective punishment to people of J&K, who have been demanding 'greater autonomy' and 'right of self determination'.

For those seven decades the government of India has deployed thousands of armed soldiers in J&K. Legal immunity is given to the army personnel from the criminal court and control of the J&K state government. Armed Forces Special Powers Act is invoked in order to grant enormous powers to the army. Civil liberties are suspended. Even policing is made under the control of the union ministry of Home affairs" with this the army has become the ruler of J&K and in the name of counter-insurgency, the army has been playing havoc with the lives of the people of J&K.

In the name of maintaining law & order in the state, people are killed in the fake encounters with staggering death toll. Many women were raped. Massacres were conducted. There are many enforced disappearances of people. A number of orphans, widows, half-widows and lakhs of people are subjected to untold sufferings.

In actuality it is the government of India and the army who have been waging a war with the people of J&K treating them as the enemy of the country.

The army has been firing pellets against people of J&K, who are demanding their democratic rights and civil liberties.

Out of 50 Killed when the army used pellets only one was a soldier who met an accidental death. Many people are blinded. According to the very official version out of 1,738 security forces only 132 were hospitalised and 1,606 suffered minor injured in 566 incidents, where as in contrast 49 civilians were killed and 3,000 injured and more than a hundred were maimed and blinded by pellet guns. The army personal hit the people either on their head or abdomen but not shooting in their legs. With the excuse of counter-insurgency in J&K, the people are made the "enemy"

Besides this in the name of development and for national security, land grabbing is continued in J&K land for 6,00,000 military personal deployed there, for setting up sainik colonies for all ex-soldiers, non state subjects included, and families of those who died or served for these years in J&K (from 2011 to 2016)

6.5 lakh of youth in J&K are unemployed. Even the jobs in construction sector, workers and supervisors from outside J&K compete with locals. The state government of J&K has no say even in the micro-management of the state, but it is the centre that decides.

Added to this Hindutva forces exacerbating the Kashmir problem is particularly notable. These forces are patronised by the government of India as well the Indian army. In the name of forming village defence committees, 29,000 members of Hindutva fold are trained and armed in the Jammu region.

Despite a consistent demand for non-use of pellet guns against people, from all quarters of democratic minded people, in the name of the refusal of the army, the use of pellet guns is not stopped and the centre and state governments say they cannot do anything about it.

These worst living conditions and bloody repression they are experiencing from and by the army are forcing the youths of Kashmir to adopt various forms and methods of struggle like stone pelting to realise their justified demands.

But suppressing and hiding these facts, do not making them a part of the public discourse in India, the rulers as well the army are playing the game of stoking the ‘nationalist’ sentiments and ‘national integration concerns’ and are portraying the people of J&K as enemies of the people of India. The army is made synonymous with the nation.

That is why this dastardly incident of the army using a Kashmiri civilian as human shield could not draw the required amount of resentment and fury from the public.

Moreover media, intellectual’s like Sekhar Gupta have been incessantly preaching that our Indian army is unbiased, impartial, and patriotic and never resorts to callous and unjustifiable action against people. These ‘intellectuals’ and ‘all knowing’ wizards found fault and censured, the eminent social scientist Partha Chatarjee for having compared this incident with the jalianwala bagh massacre, and major Gogoi with Brigadier general Dayyar-a Britisher.

In fact this present incident has to be compared for its gravity and intensity of brutality implied with the incident of execution of 49 kuka revolt martyrs on 17th January 1872 by the Deputy Commissioner of Ludhiana, Mr.Cowen. 49 kuka revolt heroes were arrested by the Dy. Commissioner of Ludhiana, Mr. Cowen on 17-01-1872, at Malerkotla. These arrested heroes were made to be tied to the front of a canon barrel and were blown off the canon; in to smitherness. On the next day 16 more arrested kukas were blown off from the canon. They were thus executed without any trail.

Just like that Mr Dar, caught by police was tied to army jeep as a human shield and paraded by the army Major Gogoi without any trail.

In the kuka revolt incident, Mr. Fortush Commissioner of Ambala had gone on record that “sans trail Mr. Cowen acted arbitrarily”. Mr. Cowen was put on a trial. In the trial Mr. Cowan had produced a letter by the commissioner Mr. Fortish written on the next day of the incident applauding Mr. Cowen for the executions. The punishment meted out to Mr. Cowan was rewarding him with a promotion and sending to England.

In all its aspects the present incident is akin to this past incident during the time of British colonial rule in suppressing Indians aspiring for independence.

Major Gogoi tied a civilian of Kashmir to military jeep as a human shield. The army had ordered a court of enquiry in to the incident. The army chief general Rawat not only defended and justified the incident but also awarded Major Gogoi with a commendation for his “invention”; even before the court of enquiry Major Gogoi appeared before media and justified his action in the name of saving the lives of the people. Now we can expect that the court of enquiry will give a clean chit to Gogoi, and that he will be promoted. The FIR of police will be thrown in to dust bin.

However the Geneva conventions, to which India is a signatory, have declared the use of human shields as a war crime and opposed for the same reason in both “international and non-international conflicts” by organisations such as international committee of Red Cross.

Even the argument of Major Gogoi that Mr. Dar was instigating a group to throw stones cannot justify the impropriety of the Indian army using someone as a human shield. Treating non-combatants as combatants too cannot be accepted.

In 2002, the supreme court of Israel banned the use of human shields. Five years later after television released footage of a 24 year old Palestinian, Samesh Amira, being used as a human shield by Israeli in Nablus, the Israeli army after investigation, suspended the commander whose unit was involved. In 2010 Israeli defence forces prosecuted and convicted two staff sergeants for using civilians as human shields and handed them 18-months sentences.

But in India an atmosphere of impunity for the army is not only prevailing but is being supported and encouraged by the tough talks of ministers.

On 10th July 2017, the Jammu and Kashmir state Human rights commission, commenting that “there cannot be any debate as to whether the treatment meted out to Farooq was violation of human rights or not, but there are laws in this country and international laws which prohibit such a treatment even to a convict” and directed that the PDP-BJP coalition government of J&K state to pay compensation of Rs 10 lakhs to Farooq Abdul dar.

Reflecting the real and actual conditions prevailing in J&K state the state human rights commission expressed its limitations before the might of army, that “This Commission however is handcuffed to go in to the conduct of army, who are allegedly responsible for the incident, according to Farooq and the state police. Because of the limited applicability of the protection of Human Rights Act-1993 to the state of J&K”. He also requested in his judgement the observations made in the judgement should not be taken as an expression of any opinion regarding “alleged involvement of officers of Indian army”.

This very expression speaks volumes of the conditions of the indirect army rule existing in J&K state; that have to a feared even by the commissioner of state Human Rights Commission.

Over this direction of SHRC, the Central government opposes any compensation to Farooq Ahmad dav, saying that there should be no sympathy with stone-pelters.

Now both the central and state governments stating as if they have realised that they have to undertake a major exercise to create more jobs for youth, in the terror-affected areas since unemployment was one of the main reasons why youth, even the educated ones from South Kashmir were getting attracted to subversive activities.

With such a pretext of generating more employment opportunities, for the youth, the home ministry has mooted to raise five special battalions of para-military forces, and equal number of Indian Reserve Battalions exclusively from the youth of South Kashmir regions. Thus by luring south Kashmir youth in to Indian reserve forces, as has been done in maoist tribal areas recruiting tribals in to forces, dividing them and pitting them against each other at the same time increasing the armed forces, the rulers are continuing the policy of suppressing the Kashmiri people, with army rule in the garb of democracy, without offering them any democratic solution towards realisation of their aspiration of ‘greater autonomy’ and right of self determination.

The democratic minded people and the democratic forces of our country shall not remain oblivious and mute spectators towards this farce of democracy with army rule enacted by our rulers, and render their voice in condemning the military rule and in solidarity with the Kashmiri people with their demand for ‘greater autonomy’ and right of self determination!
