Looking into Army Excesses

What is the issue?

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Instances of excesses committed by the security forces call for a fair probe and judicial redressal.

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What is the case in Manipur?

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- The Extra-Judicial Execution Victim Families Association (EEVFAM), an NGO, documented over 1,500 murders by the armed forces.
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- The court is hearing a PIL petition seeking a probe into these **extra-judicial killings** in Manipur from 2000 to 2012.
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- Fake encounters are alleged to have been executed by the Army, the Assam Rifles and the police in Manipur.
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- The Supreme Court has earlier directed a time-bound probe by the CBI into over 80 such deaths.
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- The CBI's SIT recently appraised the Court that 42 cases had been registered on such killings.
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- Following this, the Court expressed its dissatisfaction with the progress made by the SIT in the case.
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- Following SC's reprimand, the CBI has registered 11 more fresh FIRs related to suspected extra-judicial killings in Manipur.
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What is the recent case in Kashmir?

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- **Two civilians were killed** allegedly when Army personnel fired at a stone-pelting mob in Ganovpora village in Shopian, J&K.
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- The Chief Minister ordered an inquiry into the incident.
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- An FIR was filed against Major Aditya Kumar in connection with the killing.
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- **Petition** - A petition was filed before the Supreme Court seeking the quashing of the FIR.
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- The petition also sought guidelines to protect soldiers' rights and payment of adequate compensation for them.
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- This is to ensure that no Army personnel was harassed by criminal proceedings for bona fide actions in exercise of their duties.
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- **Court** - The Supreme Court subsequently issued notice to Jammu and Kashmir government and Centre.
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- The court sought their responses within two weeks.
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- Importantly, it directed that "**no coercive action** shall be taken" against Major Kumar till then.
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- **Pellet guns** - Using pellet guns is another worrying issue in Jammu and Kashmir.
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- The Kashmiris do not want police using the pellet-firing, 12-gauge shotgun that the CRPF uses against them.
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- Pellet-firing has notably torn out the eyes of over 1,000 Kashmiris, including children and bystanders.
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What do these cases imply?

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- These incidences are perceived as excesses by the armed forces.
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- **Kashmir** - It is clearly not possible for the Jammu and Kashmir government to coerce the Indian army.

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- The Kashmir chief minister does not even have control over the state's policing force.
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- The CRPF that operates in Kashmir reports directly to the Union Home Minister.
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- **AFSPA** - The existence of controversial AFSPA is another reason behind the excesses.
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- AFSPA confers special powers to the armed personnel including unwarranted arrest and search in disturbed areas.
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- There are various reports and evidences making allegations of constant rights violations using AFSPA.
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How is the legal response?

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- **Cases** - Charge sheets have been filed against the soldiers in Kashmir before as well.
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- A total of 50 cases have been received by the Union Government from the Government of Jammu and Kashmir.
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- This is for getting Prosecution Sanction against Armed Forces personnel under AFSPA, 1990.
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- The cases, going back to 2001, include rapes, murder, kidnap, and torture by the armed personnel.
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- Notably, no case had received sanction from the union government for prosecution.
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- In 47 of the cases, permission is "denied" and in another three of the cases, the earliest from 2006, permission is "pending".
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- **Army** - The army claims to be delivering justice under its martial courts.
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- However, the opaque working of martial courts leaves scope for scepticism.
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- **Court** - The Supreme Court seems to be protective when it comes to soldiers in Kashmir.
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- However, its active response in prosecuting those involved in extra judicial killings in Manipur signals a change in response.
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- What makes for the double standards need to be inquired into.
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- The army meant for protecting the civilians should be cleansed of its criminal behaviour with fair justice system.
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Source: Business Standard, Live Law

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