

## Looking into Army Excesses

### What is the issue?

\n\n

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

\n\n

### What is the case in Manipur?

\n\n

\n

- The Extra-Judicial Execution Victim Families Association (EEVFAM), an NGO, documented over 1,500 murders by the armed forces.

\n

- The court is hearing a PIL petition seeking a probe into these **extra-judicial killings** in Manipur from 2000 to 2012.

\n

- Fake encounters are alleged to have been executed by the Army, the Assam Rifles and the police in Manipur.

\n

- The Supreme Court has earlier directed a time-bound probe by the CBI into over 80 such deaths.

\n

- The CBI's SIT recently apprised the Court that 42 cases had been registered on such killings.

\n

- Following this, the Court expressed its dissatisfaction with the progress made by the SIT in the case.

\n

- Following SC's reprimand, the CBI has registered 11 more fresh FIRs related to suspected extra-judicial killings in Manipur.

\n

\n\n

### What is the recent case in Kashmir?

\n\n

\n

- **Two civilians were killed** allegedly when Army personnel fired at a stone-pelting mob in Ganovpora village in Shopian, J&K.

\n

- The Chief Minister ordered an inquiry into the incident.

\n

- An FIR was filed against Major Aditya Kumar in connection with the killing.

\n

- **Petition** - A petition was filed before the Supreme Court seeking the quashing of the FIR.

\n

- The petition also sought guidelines to protect soldiers' rights and payment of adequate compensation for them.

\n

- This is to ensure that no Army personnel was harassed by criminal proceedings for bona fide actions in exercise of their duties.

\n

- **Court** - The Supreme Court subsequently issued notice to Jammu and Kashmir government and Centre.

\n

- The court sought their responses within two weeks.

\n

- Importantly, it directed that "**no coercive action** shall be taken" against Major Kumar till then.

\n

- **Pellet guns** - Using pellet guns is another worrying issue in Jammu and Kashmir.

\n

- The Kashmiris do not want police using the pellet-firing, 12-gauge shotgun that the CRPF uses against them.

\n

- Pellet-firing has notably torn out the eyes of over 1,000 Kashmiris, including children and bystanders.

\n

\n\n

### **What do these cases imply?**

\n\n

\n

- These incidences are perceived as excesses by the armed forces.

\n

- **Kashmir** - It is clearly not possible for the Jammu and Kashmir government to coerce the Indian army.

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

\n\n

### **How is the legal response?**

\n\n

- \n
- **Cases** - Charge sheets have been filed against the soldiers in Kashmir before as well.
- \n
- A total of 50 cases have been received by the Union Government from the Government of Jammu and Kashmir.
- \n
- This is for getting Prosecution Sanction against Armed Forces personnel under AFSPA, 1990.
- \n
- The cases, going back to 2001, include rapes, murder, kidnap, and torture by the armed personnel.
- \n
- Notably, no case had received sanction from the union government for prosecution.
- \n
- In 47 of the cases, permission is "denied" and in another three of the cases, the earliest from 2006, permission is "pending".
- \n
- **Army** - The army claims to be delivering justice under its martial courts.
- \n
- However, the opaque working of martial courts leaves scope for scepticism.
- \n

- **Court** - The Supreme Court seems to be protective when it comes to soldiers in Kashmir.  
\n
- However, its active response in prosecuting those involved in extra judicial killings in Manipur signals a change in response.  
\n
- What makes for the double standards need to be inquired into.  
\n
- The army meant for protecting the civilians should be cleansed of its criminal behaviour with fair justice system.  
\n

\n\n

\n\n

**Source: Business Standard, Live Law**

\n

