



## Custodial deaths

The cruel murders must not go unpunished

**S**ENSITIVITY and regard to the life and dignity of an accused in police custody is expected of the law enforcement officials concerned as the progressive worldview is increasingly laying premium to the protection of human rights of those behind bars. But sadly, despite directions for jail reforms as well as courts pulling up governments for laxity on this score, custody cells and prisons continue to be chambers of torture and inhuman treatment. Cases of torturous deaths in custody too are reported with alarming regularity. Especially condemned to such cruelty — stemming from the outdated colonial-era jail manuals — are the poor unlucky ones who have no 'connections' with the powers that be. What is horrifyingly shameful is that nobody is punished for inflicting the torture. Many a victim is given the label of suicide. Their families have to usually make do with the pittance of compensation and the fig leaf of a probe into the case. As the guilty roam free, the cruel practice sees no ebb.

The cry for justice for 22-year-old Jaspal Singh of a Muktsar village who died in the custody of the Faridkot police's CIA wing is heart-wrenching. On May 18, the young man was picked up from a gurdwara over a minor issue and is believed to have been thrashed to death in custody, his body disposed of by the cop who arrested him the same night. His body is untraceable. Complicating matters, that cop has committed suicide. Equally tragic was the fate of another 22-year-old, Karan of Ludhiana. Picked up for a vehicle theft, police custody became his grave. The NHRC had to serve a notice on the Punjab DGP as the state had failed to inform it of the case.

These instances deepen that sinking feeling evoked by the appalling statistics placed before the Rajya Sabha last year: as per a report, 1,674 custodial deaths took place from April 2017 to February 2018. There is an urgent need to sensitise the cops, follow scientific methods of investigation and criminally prosecute the torture agents for a future free of such five custodial deaths a day.



Ashwani Kumar Chrungoo

**R**ecently we saw some hectic activity behind the curtains in the corridors of power in New Delhi. The needle of speculation got fixed on three things, the extension of President's rule in the state, possible conduct of Assembly Elections and Delimitation of constituencies in Jammu and Kashmir state. While the first two issues have been virtually resolved and almost a final decision stands taken, the issue of delimitation is under serious discussion at various levels. The Union Home Minister, Amit Shah has given hints in regard to some big thinking on the subject as the idea of delimitation has a background, compact and complete, to open the the new chapter of debate on it.

The background includes as to how the regions of Jammu and Ladakh were discriminated by the Delimitation Commissions time and again as compared to the Kashmir valley. Despite large area, more terrains, topographical reach and access, population and other strategic sensitivities, the Ladakh and Jammu regions were neglected and kept at bay in the political arithmetic and chemistry.

Besides this, there are large volumes of population who have remained unrepresented in the State Assembly, for all the last seven decades, due to their being practically the "third class citizens" in their own state as they stand banned to vote due to Article 370 and Article 35A. The discrimination business is a hard reality also in the case of strong five lakh displaced Kashmiri 'Pandit community, the Indegenous people of Kashmir, whose traditional constituencies were so garryman-dered by the powers that be that they stand no chance to get their representative elected from even a single constituency in the state.

Jammu and Kashmir remained the point of attraction and attention for people in the

world for the last thousands of years. It has it's own dimensions regardless of the situation prevailing in Kashmir. Most of the times, people of value studied Jammu and Kashmir as a subject of ancient civilization and history, beauty and landscapes, philosophy and culture, arts and crafts, architecture and customs, fauna and flora. There have been other reasons also available for the attention and attraction. The current situation in Jammu and Kashmir brought a number of people nearer to the political whereabouts of it and such a quest continues.

Recently, the authorised representatives of Nordic States in India desired to have an evualational visit to Jammu and Kashmir state. The issues of concern regarding the new government formation at the centre persuaded them to delay the visit. However, they had an assessment of the current situation prevailing in the frontline state of India, courtesy, the presentation made by this author at the Sweedish Embassy before the Team of the Nordic States representatives.

In the followings columns, the gist of the presentation is made available for the information of the concerned at large, which will eventually, reinforce the idea of delimitation afresh. Since it was indeed a significant development to make such a presentation on the invitation of the Nordic States Forum, care was taken to strengthen the delegation by coopting an internationally accredited human rights expert, and top psychologist to provide the necessary articulation to the presentation. This author in the capacity of BJP State Spokesperson on Kashmir Affairs and a human rights activist met the representatives of six Nordic Nations in New Delhi at the Swedish Embassy.

Dr. Rajat Mitra, Human Rights Expert and author of "The Infidel Next Door" was the other member of the delegation.

The Nordic States were represented by Erik af Hallstrom, Dy. Head of Mission, Embassy of Finland, Giske Charlotte, Councillor-Head of Political Affairs, Norweegian Embassy, Steen Malthe Hansen, Minister Councillor, Dy. Chief of Mission, Royal Danish Embassy, Gautam S Bhattacharya, Minister Councillor, Dy. Head of Mission, Embassy of Sweden, Kristin Eva J. Sigurdardottir, Dy. Head of Mission, Embassy of Iceland and Juuli Hiio, Dy. Head of Mission, Embassy of Estonia.

The meeting as a matter of chance, coincided with the declaration of the Lok Sabha elections and the formation of the new Government in India under the leadership of Narendra Modi. The agenda of the meeting comprised the current Jammu & Kashmir situation and the Kashmir Hindu Minority perspective. It also discussed the aspirations of the regions of Ladakh and Jammu.

The detailed presentation made a case for the new Government's agenda in Jammu and Kashmir focussed on peace, development and ending discrimination with the victims of bias in the State. It was emphasized that peace is the BJP's top priority in Kashmir and elimination of terrorism is the fundamental condition incidental to the establishment of peace. The Mandate 2019 in Jammu and Kashmir has given Bhartiya Janata Party a whopping 47 percent of votes in the recently conducted elections, so has added responsibilities to it to realise the long pending demands of the people.

It was reiterated that BJP stands committed to the abrogation of Article 35A which is

ultra vires of the fundamental rights and the recognized international human rights. It discriminates among the citizens and has categorized people in the state into first class, second class and third class citizens. Article 370 of the Constitution has created a state within a state and build walls of hatred and discrimination among various sections of people in India. Moreover, the Instrument of Accession was unconditional so this temporary provision will have to go eventually, particularly when the Article by itself is a "temporary and transitional provision" categorized in the Constitution of India.

Pakistan's role in death, destruction and mayhem in Kashmir is a fact of history and it, Pakistan, has not implemented its commitments given to India way back in 2006, that 'the soil under its control would not be used against India'. It supported and abetted terror and inflicted genocide of Hindu minorities in Kashmir. The terrorists and their operatives in Jammu and Kashmir killed Hindus selectively and enforced mass exodus and ethnic cleansing upon them. People were forced to live as refugees in their own country.

The regions of Jammu and Ladakh have continuously suffered due to callous and discriminatory policies of the governments all along. Jammu suffered due to delimitation of constituencies, demographic intervention, terrorism, administrative bias and communal policies. Ladakh has been one of the most neglected cases historically and politically over the last seven decades.

One important aspect of the overall situation is the grave human rights violation of the West Pakistan refugees whose fate hangs in uncertainty due to the Article 35A and the Article

370. BJP has made promises to the people to end their miseries and it will have to realise promises in the next five years term. There is a huge expectation of the people and that is reflected in the overwhelming mandate got by Narendra Modi. Jammu and Kashmir has given half of its seats to the kitty of NDA in the Parliament. Consequently, the voters have aspirations and their fulfillment is a serious concern of the new Government.

Kashmiri Pandits, the indogenous people of the Kashmir valley, are the primary stakeholders to the land of Kashmir. They have been the first victims of terrorism in the valley. Their resettlement in Kashmir valley is the party's basic commitment. BJP is conscious of the geopolitical aspirations of Pandits in this regard. We will ensure that the displaced community gets it's due and a process will be initiated once terrorism is finished and peace restored. It is also a fact that the minority community in Kashmir, currently living as the displaced entity, has been asking for the establishment of Special Crimes Tribunal to investigate the crimes against humanity in regard to the Pandits. The basis of such Tribunal should be the decision of the National Human Rights Commission (India) in which it said that "acts akin to genocide have been committed against the Kashmiri Pandit community in Kashmir".

On the occasion, Dr. Rajat Mitra described the trans-generational trauma factor among the displaced community caused due to the intermittent historical persecution and forces mass exodus. He suggested that the international opinion makers need to take into account the three decades trauma of the sufferers in the J&K state. He presented his book on Kashmir,

"The Infidel Next Door" along with the booklet titled "Terrorism in J&K: A Historical Perspective" written by this author to the representatives of the Nordic states.

The Nordic States representatives made it known that the important perspectives presented by the delegation would lead them to visit J&K state in near future for an on the spot assessment and evaluation of the situation. They also agreed that they would like to consider to visit the Jammu and Ladakh regions as well besides Kashmir during their visit. It had an indelible mark on the whole exercise to put things in appropriate perspective at a time when the Jammu and Kashmir state needs to be brought out from the turmoil of three long decades.

Jammu & Kashmir needs to get rid of terror and its side effects, the seven decade old family feudal politics, radicalisation of society, the spate of death and mayhem and the mindset that has brought havoc to everything that belonged to it and also the curse of earlier delimitations that have rendered the regions of Jammu and Ladakh besides the Kashmiri Pandits as "useless political objectives".

Unrealistic and absurd ideology that brings destruction is no alternative to place things at the right places. Peace is all that needs to be pursued and elimination of terrorism is incidental to the establishment of peace. Jammu-Kashmir's curses need to vanish and vanish for ever, so every individual has a role to play with a sense of belonging. A fresh delimitation of constituencies makes a case for the neglected ones to bring themselves at par with the pampered Kashmir valley. It also beckons us, in this regard, to do our duties to the satisfaction of the progeny to follow to make them the practical first class citizens of the state they belong to.

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