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Op-Ed

Shopian, the CBI and the 'Politics of truth'

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LOSING CONFIDENCE IN STATE INSTITUTIONS IS A SERIOUS MATTER, COMMENTS AIJAZ A WANI



Knowledge is Power (Francis Bacon)

On Dec 17, 2008 the parents of a 13 year old girl, who was gang raped by the troops on Dec. 3, 2008, were among the people who voted in village Dandipora (Kokernag). The only reason for their coming out to vote was that the politicians during campaigning had promised them that the guilty will be punished. According to Rukaiya (victim's mother) "Abdul Rahim Rather of National Conference and Peerzada Muhammad Sayeed of Congress had come here. They assured us that the incident would be investigated and culprits would be punished.....As they have promised us, after they win they would not spare the culprits so we voted" (GK Dec. 18, 2008). There are thousands of Rukayas pinning their hopes on the young Chief Minister to address their grievances resulting from the cruelty of one side or the other. Certainly, good governance in general and accountability, transparency and protection of human rights in particular could form the bedrock of success for the new dispensation, if it so desired. However, the way Shopian case has been handled it seems that both centre and state governments are again repeating the same mistake they have always made---cover-up every cruelty of its agencies and trample every right of Kashmiris in the name of so-called "national interests". Shopian had provided an opportunity to the government to restore the faith of common masses in the institutional mechanism of the state as well as give them the sense that government has a serious concern for them, but it ended up in a huge disappointment. It is pregnant with serious consequences especially for NC because the memories of its infamous rule leading to its defeat in 2002 are still fresh in the minds of people. We must remember that the major achievement of the PDP was that they brought the sense of security back among the people after a long era of brutal terror unleashed by security forces, unknown gunmen and, most importantly, the renegades. Shopian is not the first case of human rights violation since the present government took over, though it is the most brutal act. It started with the killing of a mentally retarded person near CM's residence and no less than 70 people were killed brutally during peaceful protests staged against various human rights violations. No doubt Omar showed keen interest in bringing guilty to justice in case like Bomai but the question still remains whether the guilty will be really punished and whether CM has any real control over security agencies. The shifting of Rajendra Post was a welcome step though it was done under the pressure of people rather than emanating from government's own will.

However, relocating the same notorious camp within the campus of the University of Agricultural Sciences was a retrograde step. Recall, according to the plan of the central government, vacating of forces from educational institutions shall receive the first preference in the process of implementing the troop reduction policy. Again, relocating troops is no guarantee that they will not repeat the same violations even if we ignore the inimical consequences of the ubiquitous forces in an educational institution with co-education. These cosmetic measures are not going to work and if government is really serious about restoration of peace, going tough with law breakers is a pre-requisite. However, the way Shopian case has progressed there seems to be no hope in immediate future.

One fails to understand why, after all, the state institutions have been hell bent upon to hush up the Shopian tragedy. It was an important opportunity for the centre as well as for state government to restore faith of people in the institutions and create an atmosphere conducive for dialogue. For protecting few people in the security agency the government has missed a golden opportunity of gaining faith of the people. Even the highest investigating agency of the country has been put to service for hushing-up the case apparently again in the so called security interests. During the much infamous election of 1987 in Wach constituency of Pulwama Dr. Bhalla, the secretary election commission of India, supervised the fraud under which the winning MUF candidate was declared defeated by the ruling NC.

About this election the then Chief Election Commissioner of India Perry Shastri

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latter confessed that, "in the diseased setup of Jammu and Kashmir even the officials of the commission catch the disease and contribute to the bungling". Whether the officials do it for themselves or they are directed to do so from above is not so difficult to understand. The fate of State Human Rights Commission is before all of us to see. Year after year the Commission, in its Annual Reports, complain about the non seriousness of the government to implement its recommendations and to make it a really functional institution. Same is the case of other institutions in Jammu and Kashmir.

The reaction of public towards the CBI has to be analysed against this erosion of faith in state institutions over the years. Home Minister P Chidambaram described the reaction to the CBI report as bizarre and dismissed people's right to question the investigation report. Well, if there is anything that sounds bizarre it is the reaction of Home Minister rather than the reaction of people to the report. The CBI report is no sacrosanct that it cannot be questioned. There is every reason to question the whole investigation process. If one goes through the report of Independent Women's Initiative for Justice (IWI) "Shopian: Manufacturing a Suitable Story A Case Watch" it provides a graphic picture of the tragedy. It presents the pictures of the Rambi Ara Nallah showing the depth of water no more than knee high.

It is important to remember that this has corroborated by the official report about the depth of water in June 2009, in the Nallah. The IWI report provides ample examples and proof of how the rape and murder of Asiya and Neelofar was executed and how the stories are being tailored, facts suppressed or distorted to hush-up the case. Perhaps Home Minister has not bothered to have an impartial look at the report. Again, Anuradha Bhasin Jamwal provided a graphic picture of whole drama of CBI in her report published in Kashmir Times "CBI on a spree of manufacturing lies"(KT Dec 16-09). One needs to have a look at this report with an open mind before passing any judgement. Let us analyse the credentials of doctors who accompanied CBI in order to provide medical help for collecting evidence. In this regard Anurada's report provides important information, "As for the credibility of the team of doctors that came from AIIMS to miraculously find the 'intact hymen' in a body buried four months ago, the forensic department of the AIIMS figures too prominently in 'fudging' medical evidence in Aarushi murder case. One of the doctors, who seems to have discovered the 'intact hymen' is not even a medical practitioner. She is a scientist with a specialisation in DNA fingerprinting. The senior most of them and head of the department of Forensics in AIIMS has several cases pending against him. He is accused of paper leakage and of facilitating backdoor enrolment of a police officer for a PhD in Forensics, even though the candidate only had a Masters Degree in History, Culture and Archaeology, according to a report in Times of India (January 23, 2009)".

We must remember that the Jan Commission appointed by the Government also clearly ruled out in its otherwise pro-government report that the deaths were caused by drowning, and significantly Justice (Retired) Muzaffar Jan still stands by his conclusion (RK Dec.17-09). Again, this is not the first time that CBI has come under public scanner for its role in covering the truth. It earned the name of 'agency that specialises in burying truth' due to its suspicious role in many cases like Nithari case, Aarushi murder case, Malegaon blasts etc., in the recent past. So the people have every right and reason to question the CBI report.

The Home Minister quite rightly expects the separatists to also condemn the killing of Sheeraza, of Keller. Why only separatists, every individual should and must condemn the killing of innocent people, but we must remember that two wrongs never make one right. The fact the Sheeraza was killed by unknown gunmen does not justify killing of innocent people by security forces. And for the sake of argument let us accept that she was killed by militants but this is the fourth innocent killing in the same vicinity during last eight months. All the four killings took place under the nose of a police station and a security forces picket. This raises a serious question about the ability of the security agencies to protect the life and honour of the common people.

Shopian is not the only case where government has come under severe criticism. Recently, the International People's Tribunal on Human Rights and Justice for Kashmir, released the report which claimed that 2,700 'unknown, unmarked graves', containing at least 2,900 bodies were found in 55 villages in Bandipora, Baramullah and Kupwara districts. The convenor of the group, Dr. Angana Chatterji, believed that the graves in Bandipora, Baramullah and Kupwara are part of a collective burial by India's military and paramilitary, creating a landscape of 'mass burial' (Hindu Dec-14-09) The group has given 32 recommendations for the government and international organizations to ponder. Copy of the report was also sent to Chief Minister, Omar Abdullah. Let government show seriousness to have an independent investigation into the case if it is serious to find truth and enforce justice. The way the Sarkari media and the government mints politics out of Shopian tragedy, it has only rubbed salt against the wounds of the people, alienating them further. The way national media has handled the Ruchika case (another unfortunate sister who fell prey to powerful butchers) on the one hand and the Shopian case on the other is a classic example of biased reporting. Losing confidence in state institutions is a serious matter especially in the case of Kashmir where good governance can play an important role towards restoring peace.

(The author is Assistant Professor, Department of Political Science University of Kashmir; aijazpol@gmail.com)

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