



August 2013

Outsourcing Criminality

A JKCCS brief on Village Defence
Committee's



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“The policy of the Indian State to control the people of Jammu and Kashmir through armed forces is entrenched and has resulted in numerous informal and formal networks of forces outside of the regular armed forces.”

On 29 July 2013, Village Defence Committee [VDC] members were alleged to have killed 16 year old Shamim Ahmed Lone, resident of Noutaas, Thatri, Doda. Further, a few days prior to the murder of Shamim Ahmed, a 16 year old girl, resident of Kuntwara, Kishtwar, was kidnapped and raped by persons backed and protected by the VDC. According to newspaper reports from last over a month at many places in Doda-Kishtwar region masked men have terrorized people. Over the last week, several places in the Jammu region, particularly Kishtwar, have been subjected to violence at the hands of VDC members, supported by Hindu communal groups, which resulted into loss of three lives, numerous injuries and loss of public property. The unabated support and encouragement to VDCs by Government of India, has ensured deepening communal strife.

The policy of the Indian State to control the people of Jammu and Kashmir through armed forces is entrenched and has resulted in numerous informal and formal networks of forces outside of the regular armed forces [i.e. army, para-military and police]. More specifically, these networks are referred to in Jammu and Kashmir as: VDCs, Special Police Officers [SPOs] and Ikhwans. Arms are distributed, minus any training, and persons appointed as VDC members, SPOs or Ikhwans, have little or no clarity of the chain of command to control the activities of such forces.

This State action is carried out with no regard for the rule of law and allows unchecked power and a complete lack of accountability. The Indian State has effectively sought to carry out statecraft that is violent and with complete disregard for all human dignity.

As per the Chief Minister of Jammu and Kashmir, Omar Abdullah, in the Legislative Assembly, as of 1 April 2013, 26,567 persons were working with the VDCs to fight militancy. Further, it was stated that the VDCs were functioning in 10 districts of Jammu division and Leh District of Ladakh. Giving the break-up, the Chief Minister said the highest number of VDC volunteers – 5818 – were working in Rajouri district followed by Reasi with 5730 volunteers and Doda with 4822 VDC volunteers.

Further, the strength of the SPOs working in the police department was placed at 25,474. Of these, 23,577 SPOs were working in different districts and the remaining 1897 were working in other wings/units of the police department. The Chief Minister stated that the highest number of SPOs – 3881 were in Doda followed by Kishtwar with 2272 and 1740 SPOs in Jammu district.

Further, the Government stated that 7030 SPOs were terminated from services in Jammu and Kashmir since 2009. Of these, 1,292 SPOs had been terminated from services in 2009, followed by 1,535 SPOs in 2010, 2,067 in 2011, 1,917 in 2012 and 219 in 2013. This suggests that the Government has been aware of the criminality and other issues with SPOs that has resulted in dismissals.

Finally, the Ikhwan [Government backed militants], fully functional in the mid-1990s, were responsible for widespread and systematic attacks on civilians and the innocent people of Jammu and Kashmir. While it is reported that there is no longer the phenomenon of Ikhwan in Jammu and Kashmir, the situation is far from certain. Firstly, as the Ikhwan were never created legally, it is difficult to be certain that they have ceased to exist. Secondly, it requires to be confirmed that all the arms and ammunition provided to the Ikhwan have been returned to the Government.

The communal nature of the Indian State in Jammu and Kashmir, with the recent VDC violence, is apparent from the very constitution of the VDCs. In response to a RTI application, the Government of Jammu and Kashmir provided the following details regarding VDCs in Kishtwar, Doda and Ramban Districts:

In Kishtwar District, where the ratio of Hindus to Muslims is 35:65, of a total of 3287 VDC members, 3174 [96.56%] are Hindus. Further, out of 3287 VDC members, 865 are paid as VDC/SPOs, and of

these 865, only 21 [2.43%] are Muslims. The rest of the paid VDC/SPOs [97.57%] are Hindus.

In Doda District, where the ratio of Hindus to Muslims is 30:70, of a total of 6521 VDC members, 5874 [90.08%] are Hindus. Further, out of 6521 VDC members, 1729 are paid as VDC/SPOs, and of these, only 126 [7.28%] are Muslims. The rest of the paid VDC/SPOs [92.72%] are Hindus.

In Ramban District, where the ratio of Hindus to Muslims is 30:70, of a total of 2901 VDC members, 2697 [92.96%] are Hindus. Further, out of 2901 VDC members, 177 are paid as VDC/SPOs, and of these, only 1 [0.6%] is a Muslim. The rest of the paid VDC/SPOs 176 [99.4%] are Hindus.

The privatization of human rights abuses and the outsourcing of criminality by the Indian State besides being in violation to many international laws are also violative of India's constitution, and the rule of law. VDCs and Ikhwan must therefore be immediately disbanded. The powers of the SPOs must be limited to minor issues of traffic control, and they must have no powers vis-à-vis the control of militancy or any political activity. Further, the recruitment and training of SPOs must be carried out at a standard that ensures a responsible and accountable force. All arms and ammunition from all three groups must be immediately confiscated. Finally, investigations and prosecutions for all crimes committed must be carried out.

Unfortunately, instead of nabbing the culprits, the Government has imposed curfew in many parts of Jammu region, scrapped internet services in entire Jammu and Kashmir and thus punished the entire population instead of perpetrators.