

# Letters to the Editor

## I

### THE ROLE OF INDIAN JUDGE ADVOCATES IN THE WAR ON TERRORISM

The article "The Role of Judge Advocates in the War on Terrorism" in the *USI Journal* of October-December 2003 succinctly gives out the background of our department in general and the pivotal role being played by the officers of the Judge Advocate General Department. The paper has also highlighted the role of military lawyers in operations involving arrest of terrorists and human rights violations.

The issue of powers of the NCOs vis-a-vis officers and JCOs has been covered well in detail. Similarly, the issue of protection available to security forces is closely associated with the power they enjoy. It becomes more relevant since the security forces have been given statutory powers to make arrests, carry out searches and seizures and use force under specific circumstances. It is natural that they must be protected against litigation in courts for performing these acts. A brief mention in the paper to clarify the scope of the two closely connected issues of power and protection available to the Armed Forces personnel would have covered the issue in totality. The protection available to the Armed Forces personnel is provided under Sections 45, 132, 197, 475 of CrPC, as well as under Commission of Enquiries Act 1952, Armed Forces (special powers) Ordinance 1942, besides under Section 4 of the Armed Forces (special powers) Act 1958, read with Section 13 of the Official Secrets Act 1923.

The paper rightly highlights the cases of human rights violations by the Armed Forces personnel and strict disciplinary action being taken against them. It is to the credit of the Armed Forces that all cases of excesses are taken cognisance of, investigated, and if found correct, the guilty are punished. As per the data available, out of 947 allegations in the last six years, 873 have already been investigated and 35 of these were true i.e. just about 3.31 per cent. 91 personnel have already been punished which works as deterrent to others. The Indian Army has the best track record in the world in observation of human rights despite having participated in a large number of peace keeping missions since World War II. They have earned the reputation of being the most disciplined and humanitarian in conduct. This is perhaps the reason why the US is very keen that Indian troops serve in Iraq also for relief and rehabilitation purposes.

Colonel BP Singh

## II

## AN IRAQ IN IRAN

I hold a different perspective to that proffered by Major General Vinod Saighal in his article "Preventing an Iraq in Iran" published in the January-March 2004 issue of the Journal.

The Iraq war has amply justified the requirement of weaponisation because nuclear weapons make the most effective deterrent to aggression: the context is North Korea. Shortly before the commencement of America's operations in Iraq, Washington openly stated that it was preparing for a simultaneous two-front campaign against two respective constituents of the Malaprop type Bushism "axis of evil," to wit Iraq and North Korea. While Saddam Hussein took it as a big joke and did nothing to prevent an attack on his country, Kim Jong II by contrast threw the UN arms inspectors out from his Yongbyong nuclear plant, fully activated his weaponisation programme, and flatly declared that the minute American forces crossed the 38th Parallel into North Korea he would unequivocally retaliate with a nuclear strike on the aggressors. Washington did a prompt volte face and suggested talks instead! The reasons put forth by Major General Saighal that he feels could preclude an American invasion of Iran are fine in theory. The reality is, no country would like to take umbrage with the world's strongest power. The negative global reactions will in no way deter Washington from pursuing its objectives in Iran.

Tehran has been rather naive in not building up a nuclear arsenal through its Bushehr facility. It is in Iran's interest to develop nuclear weapons soon and emulate the Pyongyang line if it perceives a threat.

The main problem in West cum Central Asia is the wholesale disunity among the resident nations of that region. Samuel Huntington rightly asserts that one of the foremost factors whereby western civilisation lords over the eastern one is the unity prevailing among the former in comparison with the virtual inter and intra state animus that encompasses the latter. Not only are these nations constantly at loggerheads with one another but ethnic bloodletting as manifested by the Shias, Sunnis, Kurds and the like further compounds their instability. This makes it extremely convenient for the West including Israel to "divide and dominate" the length and breadth of West cum Central Asia. Unless the resident nations concerned shed their mutual hatred and get their act together, they will forever remain under the West's dominance. These nations should form a multifaceted strategic alliance with a common defence pact and Iran is best suited to provide the requisite leadership to this alliance.