

## India's Kashmiri Detainee Self-Censorship Demand Is Undemocratic

By [Andrew Korybko](#)

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*India's demand that thousands of Kashmiri detainees sign a bond that commits them to not to make any comments on "recent events" as a condition for their release after they were previously apprehended without charge for five months already is the definition of an undemocratic practice which exposes the fundamental hypocrisy behind the self-professed "world's largest democracy".*

[Sputnik](#) reported that India demanded that that thousands of Kashmiri detainees sign a bond that commits them to not make any comments on "recent events" as a condition for their release after they were previously apprehended without charge for five months already. So as not to be accused of misportraying the report in question, its contents are being republished below in full prior to being analyzed by the author:

"Thousands were detained under India's Public Safety Act, a law that allows authorities to imprison someone for up to two years without charge or trial, in Jammu and Kashmir before the Narendra Modi-led government revoked Articles 370 of the Constitution, stripping the state of its special status on 5 August.

The detained people, who are being released after five months of imprisonment, have to sign a bond where they say they will not make any comment or statement on the "recent events" in Jammu and Kashmir.

The bond, signed under Section 117 of the Code of Criminal Procedure (CrPC), includes Section 107, which states that the executive magistrate has the power to apprehend any individual for not more than a year on information that a person is likely to disturb peace and public tranquillity.

"I undertake that in case of release from the detention, I will not make any comment(s) or statement(s) or make public speech(s), (or) hold or participate in public assembly(s) related to the recent events in the State of Jammu and Kashmir, at the present time, since it has the potential of endangering the peace and tranquillity and law and order in the State or any part thereof for a period of one year," section two of the bond reads.

Nearly 4,000 people were arrested and some political leaders were detained after the revocation of Article 370, over fears of outbreaks of unrest and "most of them were flown out of Kashmir because prisons here have run out of capacity", news agency AFP had quoted an official as saying.

The government bifurcated the state into two federally-administered territories - Jammu and Kashmir and Ladakh. The union territory then imposed a

communications clampdown as new charges for mobile phone services were imposed. Postpaid mobile calling and messaging services along with broadband internet have been resumed, but internet services remain suspended. India's apex court has termed the restrictions unconstitutional.

A delegation of envoys from 15 countries such as the United States, South Korea, Vietnam, Bangladesh, Maldives, Morocco, Fiji, Norway, Philippines, Argentina, Peru, Niger, Nigeria, Togo and Guyana visited the Jammu and Kashmir on 9 January."

There are many observations that can be made from Sputnik's report, the most obvious of which is the very fact that one of Russia's main publicly funded international media outlets is reporting on something very unflattering for India's international reputation. This speaks both to the outlet's efforts to remain somewhat "impartial" regarding regional events and also Russia's own efforts to "balance" regional affairs.

The second point is that the widespread awareness of India's "lawfare" against what the government is "officially" supposed to regard as its own "citizens" contradicts its self-professed claim of being the "world's largest democracy". No substantively real democracy would force people who were detained without charge to sign a bond prohibiting them from commenting on "recent events".

That policy in effect prohibits them from discussing any possible human rights abuses during their imprisonment, notwithstanding the fact that detaining them in the first place without charge is arguably among them. As such, they could have their bond revoked and be re-arrested if they violate the terms of their release by opining on their [UNSC-recognized disputed region's annexation](#).

Moreover, considering that their very imprisonment without charge was due to "recent events", the state might further abuse its "writ" by jailing them if it's discovered that they shared their personal experiences over the past five months in prison with trusted family and friends, blogged about it on social media, or spoke to local, national, or international media about it.

Another point of pertinence is what Sputnik reported about the released detainees' obligation not to participate in any public assembly related to recent events either. Protests sometimes spontaneously erupt after Friday prayers, so it's foreseeable that someone who might not have any intention to participate in such assemblies might simply be caught in the action, which thus intimidates them against practicing their religion.

What's all the more ironic about this is that India is [staging carefully choreographed tours](#) of the occupied region for foreign envoys in order to project the image that everything is fine and dandy, yet those visiting dignitaries aren't allowed to speak to any of the former detainees on pain of the latter being imprisoned for violating the terms of their release.

The US has no problem with this undemocratic practice and instead chooses to remain silent as a quid pro quo for India choosing to team up with it in pursuit of their shared goal of "containing" China. On the other hand, the US regularly criticizes China for its [anti-terrorist and deradicalization program](#) in Xinjiang, yet foreign dignitaries and even journalists are allowed to speak to former detainees, unlike in Indian-Occupied Kashmir.

Trump just [tweeted](#) over the weekend that "The government of Iran must allow human

rights groups to monitor and report facts from the ground on the ongoing protests by the Iranian people. There can not be another massacre of peaceful protesters, nor an internet shutdown. The world is watching.” He’s not, however, making any such demand of India despite New Delhi doing the exact same thing as Iran is accused of.

India has committed wanton acts of violence against the Kashmiris over the years and proudly detained thousands of them without charge since last August, to say nothing of having shut down their internet service for over five months already. It’s not being criticized, though, because the US has grand strategic interests in remaining on its good side, playing “bad cop” only when it concerns trade ties and Russian arms imports.

The takeaway from all of this is that India is more like the world’s largest fascist state (especially when considering the [recent political violence](#) carried out by the “Modi Mob” against protesting students) than the “world’s largest democracy”, but that most of the world chooses to remain silent either because they’re eyeing its enormous market potential like Western nations are or its [growing oil demand](#) like many Muslim ones are.

It was therefore a journalist service to the rest of the world that Sputnik thought it fitting to inform its global audience about India’s undemocratic treatment of Kashmiri detainees who were already in custody for over five months without charge. That in and of itself is a gross violation of human rights, but it’s made all the worse by these victims being unable to share their experiences without fear of being thrown back into prison.

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**Andrew Korybko** is an American Moscow-based political analyst specializing in the relationship between the US strategy in Afro-Eurasia, China’s One Belt One Road global vision of New Silk Road connectivity, and Hybrid Warfare. He is a frequent contributor to *Global Research*.

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### About the author:

Andrew Korybko est le commentateur politique

étasunien qui travaille actuellement pour l'agence Sputnik. Il est en troisième cycle de l'Université MGIMO et auteur de la monographie Guerres hybrides: l'approche adaptative indirecte pour un changement de régime(2015).

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