

Rotting in Pakistani Jails

Government Apathy Towards 1971 Prisoners of War

○ Anjana Mehta

WAR means different things to different people. For business connected with war armament and supplies, it is an occasion to make quick and big money. For the ruling politicians, it provides a fertile ground for jingoism to project themselves as saviours of the nation and to make political capital out of it. Just as prime minister Vajpayee and his party used the Kargil war to good effect in the recent elections, Indira Gandhi was able to exploit the 1971 war with Pakistan to emerge as an indefatigable Durga of the subcontinent.

However, war means something else for the soldiers and officers who are used as cannon fodder. A few of those who are killed in some dramatic battle might receive a measure of recognition by way of posthumous awards and rewards, but most remain anonymous, mere statistics for the chronicle writers.

The worst fate though befalls those who are captured by the enemy, especially if they happen to be soldiers and citizens of a state that places shamefully low value on its own citizens' lives, including the ones expected to shed their young blood and lay down their lives for their country's defence.

In this article **Anjana Mehta** provides us a glimpse of how the Indian government has maltreated the 54 armymen who are believed to be rotting in Pakistani jails since the 1971 Indo-Pak war. She compiled this article largely through information provided by **Colonel R.K. Pattu**, working president of the **Missing Personnel Relatives Association**.

FOR nearly three decades, fifty-four families have awaited the return of their sons, husbands, fathers and brothers from the 1971 war. These men were reportedly captured alive by the Pakistan army and have been imprisoned ever since. When the Indian government released more than 92,000 prisoners of war in the aftermath of the Bangladesh war, it did not ensure that all Indian armed forces personnel captured by Pakistani authorities were simultaneously released. Over two hundred Indian soldiers were eventually repatriated from Pakistan, but not those of higher ranks. Though the officers' families



Major Ashok K. Suri

went to welcome the train bearing repatriated Indian defence personnel from Pakistan, there was no reunion with their own loved ones. After suffering many years of agony, the families finally took action by forming a Missing Defence Personnel Relatives Association, whose mandate was to act jointly to pressure the Government of India to recover the missing officers.

It was on December 3, 1971, that the Indo-Pak war broke out. It lasted for 14 days, culminating in the surrender of the Pakistan forces in the Eastern sector and the creation of Bangladesh. More than 92,000 Pakistani soldiers were taken

prisoner by India. Likewise, in the Western sector, some Indian defence personnel were captured by Pakistan. Following the Simla Agreement of 1972, prisoners of war were exchanged, yet some of the Indian prisoners remained unaccounted for, and stayed in detention in Pakistan. The harsh condition of their existence in jail is highlighted by the following words in Victoria Schoffield's book, *Bhutto - Trial and Execution*:

In addition to these conditions at Kot Lakhpat, for three months Bhutto was subjected to a peculiar kind of harassment, which he thought was especially for his benefit. His cell, separated from a barrack area by a 10 foot high wall, did not prevent him from hearing horrific shrieks and screams at night from the other side of the wall. One of Mr Bhutto's lawyers made enquiries amongst the jail staff and ascertained that they were in fact Indian prisoners-of-war who had been rendered delinquent and mental during the course of the 1971 war. When the time came to exchange prisoners, the Indian government would not accept these lunatics, who had no recollection of their place of origin, and so they were retained as prisoners to eke out their existence in Kot Lakhpat. Bhutto, discovering the precise temperament of the inmates, wrote to the jail superintendent with a copy of the letter addressed to his lawyer (which was released to the press), requesting that they be moved - finally they were. Obviously the authorities would not accept that Mr Bhutto's sleep was being disturbed on purpose, but Bhutto did not



**Major A.K. Ghosh behind bars in Pakistani jail.
On right is his photograph as a young officer.**

forget the sleepless nights he spent and referred often to the lunatics in other letters of complaint. 'Fifty odd lunatics were lodged in the ward next to mine. Their screams and shrieks in the dead of night are something I will not forget,' he wrote.

From Schoffield's account, it thus appears that it was the Government of India who did not accept these Indian prisoners of war, even though they were offered for exchange by Pakistan following the Simla agreement.

The Geneva convention on prisoners of war states that they shall be released and repatriated without delay after cessation of active hostilities. Prisoners of war against whom criminal proceedings for indictable offences are pending may be detained until the end of such proceedings, and if necessary, until the completion of the punishment. The same shall apply to the prisoners of war already convicted for an indictable offence. Parties to the conflict shall communicate to each other the names of any prisoners of war who are detained till the end of

proceedings or until punishment has been completed. By agreement between the parties to the conflict, commissions shall be established for the purpose of searching for dispersed prisoners of war and assuring their repatriation with the least possible delay (see "The Forgotten Heroes" by Tarun Basu with Asoka Raina; *Contour*, April 6, 1980). India and Pakistan are both signatories to the Geneva Convention.

There is no record available to us proving that the Government of India did in fact constitute such a commission, either to trace missing Indian personnel in Pakistan, or to assure Pakistan in a transparent manner that there were no Pakistani prisoners in India (as the Pakistan government too had claimed that some of its armed personnel were missing).

On perusing the various documents collected by the Missing Defence Personnel Relatives Association, it becomes clear that the Indian government has been about as competent in protecting the interests of the armed forces as it has been with our other institutions. The

repeated, desperate pleas of the missing personnel's relatives are attended to perfunctorily. Rather than vigorously lobbying for the return of its missing personnel, the government seems to ignore every fresh piece of evidence pertaining to the soldiers still rotting in Pakistani jails. The burden of investigation has therefore fallen on the families, who have painstakingly collected information regarding the forgotten officers. (See box for some of these details)

Not only family members of the soldiers, but also other army personnel maintain that prisoners continue to languish needlessly in Pakistani jails. Lieutenant General (Retired) K.P. Candeth, who was GOC-in-C, Western Command, during the 1971 Indo-Pak war is one such believer. "I am sure they did capture some of our soldiers and have them in Pakistan. They should be declared POWs. At the end of the war, when we sent back all Pakistani prisoners, they also should have sent the prisoners in their captivity back to India. But in this particular case, Pakistan on some pretext or another held them back," he says (see "Indian Soldiers Languishing in Pakistani Jails," *Organizer*, April 7, 1996). The Indian government also did not unremittingly pursue the trail – then warm. In allowing the trail to go cold, it let down those who sent their loved ones to our fronts with full faith that the Indian people were behind them.

On September 4, 1996, two members of the Rajya Sabha, O.P. Kohli and Satish Pradhan, asked I.K. Gujral, then minister of external affairs, whether the government was aware that as many as 40 defence personnel captured by Pakistan during the

Major Ashok K Suri

- On January 6 or 7, 1972, the name of Ashok Suri of Faridabad was mentioned in the *Punjabi Darbar* programme of Radio Lahore.
- On December 26, 1974, R.S. Suri, Ashok Suri's father, received a handwritten note by Ashok Suri dated December 7, 1974.
- On August 13, 1975, R.S. Suri received a note dated 14, 15 and 16 June 1975 from Karachi written by Ashok Suri disclosing that there were 20 officers detained in Pakistan.
- In 1976 R.S. Suri received information from a contact that Ashok Suri was captured on December 2, 1971, before the actual declaration of war had been made, and that such persons on both sides were considered as spies.
- R.S. Suri received further information about Ashok Suri having been shifted from Karachi to NWEF to Johat, Swabi, Mardan and Malakand.
- Mukhtiar Singh, who was repatriated from Pakistan on July 5, 1988, said that Major Ashok Suri was in Kot Lakhpat jail at that time.

Flight Lieutenant V.V. Tambay

- *The Sunday Pakistan Observer*, dated December 5, 1971, gave news from Rawalpindi datelined December 4, 1971, that five Indian pilots had been captured alive. One of the names published was that of Flight Lieutenant Tambay.
- Tambay's wife had a chance meeting in 1978 with a Bangladeshi Naval Officer who was taken prisoner in Pakistan during the war. In Lyallpur jail he had come across a person named Tambay. The Officer remembered that Tambay had a scar on the chin (which was true she confirmed).
- Daljit Singh, who was repatriated from Pakistan on March 24, 1988, had seen Flight Lieutenant Tambay at the Lahore Interrogation Centre in February, 1978.

Major A.K. Ghosh

- *Time* magazine dated December 27, 1971, carried a photograph of an Indian prisoner behind bars. This photo turned out to be that of Major A.K. Ghosh, who did not return with the Indian POWs.

Captain Ravinder Kaura

- His name was announced on Radio Lahore on December 7, 1991.
- His photograph from a Pakistani jail was smuggled into India and published by a newspaper in Ambala in 1972.
- Someone who had been with Captain Kaura in the Pakistan jail came to see L.D. Kaura, Ravinder's father, in 1979. (The government of India had in the meantime declared Captain Kaura dead and awarded him a Veer Chakra posthumously).
- Further information came in that Captain Kaura was kept in Lahore, Multan, Sahiwal and Rawalpindi jails.
- Mukhtiar Singh, repatriated from Pakistan on July 5, 1988, said that Captain Kaura was in Multan jail around 1981 and was presently in Kot Lakhpat jail.

1971 Indo-Pak conflict were still in foreign custody. The minister replied that according to available information, 54 missing Indian defence personnel were believed to be in Pakistan's custody. It was regretted that Pakistan had not responded positively to the numerous constructive proposals made by the Indian side over the years for resolving this humanitarian issue. The Government of Pakistan, however, maintained that there were no Indian defence personnel in its custody.

In an affidavit filed last year in court, Mohan Lal Bhaskar, who returned to the country following the exchange of prisoners, stated that "during my stay in Pakistani jails, I came to know that at Kot Lakhpat jail, Lahore, Indian POWs were rotting in various jails. Col. Asif Shafi of the Second Punjab Regiment of Pakistan, who was also in jail, confirmed that more than 45 officers of the Indian Army, including Wing Commander H.S. Gill and others, were confined to the Fort of Atak and there were no chances of their release. Most of them had been charged with spying and were sentenced. In spite of completing the sentence they were not released from the Pakistani jails. Many Indian citizens, including Army officers, have been illegally detained in Pakistani jails without a trial. The Pakistan Government was not respecting the human rights of the prisoners in the jails" (see "Indian Prisoners in Pak Jails" by R. Suryamurthy and Rahul Das, *The Tribune*, March 28, 1999).

Even though Pakistan and India have abysmal records of trashing the human rights of their own citizens, it is still incumbent upon both countries not to treat POWs with the same indifference, as per the Geneva Convention.

Speaking on the Zee TV programme *Helpline*, Riaz Khokar (the previous Pakistan High Commissioner in India), denied the presence of Indian POWs in Pakistan. "These allegations are totally baseless. There is no reason why we should keep them back," he said. "In every investigation that we have conducted, we have found nothing" (see "Missing," by Anuja Pande, *Sunday*, February 25, and March 2, 1996). In 1981, as a goodwill gesture, Pakistan



Captain Ravinder Kaura

had agreed to allow an International Red Cross team to help trace the missing defence personnel. The team came a cropper. And again in 1989, the Pakistanis agreed to conduct a fresh search for the missing men of the 1971 war. In other forums, the Pakistani government has maintained that it does not have Indian POWs, and that the relatives of these defence personnel are welcome to visit Pakistani jails to see for themselves that there are no

Indian prisoners of war there.

In September 1983, a delegation of six relatives - including the relatives of Major Suri, Major Ghosh and Flight Lieutenant Tambay - were sent from India to visit Multan jail in Pakistan. Unfortunately, they all came back feeling cheated. "We were allowed to visit only one jail and this jail had none of the defence personnel," says Ashutosh Ghosh.

Some came back even more horrified. Damayanti Tambay recalls, "In a small cell there were some forty to fifty prisoners herded together. Most of them were in chains and some were tied to pillars." These were Indians allegedly caught for petty crimes like smuggling (see also "Missing," by Anuja Pande, *Sunday*, February 25, and March 2, 1996).

Disappointed by the government of India's failure to secure the release of POWs, Dr Suri, father of Major Ashok Suri and President of Missing Defence Personnel Relatives Association, wrote to Justice Ranganatha Mishra, Chairman of the National Human Rights Commission. Justice Mishra assured the relatives that he would take up the matter with his Pakistani counterpart as well as with the International Human Rights Commission and Amnesty International (see "Indian Soldiers Languishing in Pakistani Jails," *Organizer*, April 7, 1996). On August 14, 1999, prominent human rights and civil liberties activists, academics and defence experts spoke at a seminar on the plight of POWs and displaced persons, making a strong plea to Pakistan and Iraq to release the POWs who had been trapped in both countries for several years. There were more

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Damayanti Tambay

A Twenty Nine Year Long Wait Damayanti V Tambay Speaks About Her Ordeal

Damayanti Tambay is the Deputy Director, Physical Education, at Jawaharlal Nehru University, Delhi. She last saw her husband Flight Lieutenant Vijay Vasant Tambay on December 3, 1971, in the Ambala Cantonment Area, where the family lived. Ambala was bombarded in the war. The same evening Tambay's squadron moved to a forward area. The first few nights she spent in the bunkers and later moved to her parents' place. Subsequently they heard on the radio that his plane had been shot down and that he was missing (For details see box on page 3).

The families waited for the POWs to be exchanged by both sides. The Simla agreement decided the terms of exchange and other issues. "Once the agreement was reached, everything was over. For the government the issue became very insignificant. All these people are just numbers to them. Surprisingly 600 square miles were returned to Pakistan – our armed forces' sacrifices went waste," says Damayanti.

Then began a never-ending process of waiting, contacting the armed forces, the External Affairs Ministry and various dignitaries, to try and recover the POWs believed to be held in Pakistan jails. Tambay's father died within two years of his capture. He never recovered from the shock. His mother now lives with Tambay's brothers.

Both of Damayanti's brothers were in the army (she later lost one of them in a defence exercise) and it was natural for her family to look for an alliance in the armed forces. She got married in 1970. When the war broke out in 1971, Damayanti was 23 years old. "The first few years (after the war) were very traumatic. Howsoever strong you are you have never prepared yourself for these things. Despite the fact that there are so many people who feel for you, you really have to deal with the day to day struggle on your own," she says.

In the beginning Damayanti never thought that her husband would not return. Much, much later she began to wonder. Along the way, she met other people in a similar predicament. Among them was Dr R.S. Suri, father another of the POWs, who helped band the families together. Until a few years ago Dr. Suri was the backbone of their common quest and kept their morale high. Now he is much older and unwell. The families kept trying with successive governments - sometimes there would be a glimmer of hope and then darkness would descend again. As ordinary citizens, they could not do much to effect an action in another country, particularly one that was hostile to India. But they felt that they owed it to their sons, husbands and brothers to never give up, to keep on trying.

Mrs Tambay says: "We wanted the Government to raise the issue with the UN Human Rights Commission since we have such concrete proof – but the Government never did, and as individuals we could not do it. Our government has to learn to respect a those whose lives it demands as sacrifices. Or else ordinary people will not want to join the armed forces. But it appears we do not learn any lessons. Look at the Uphar tragedy – when I looked at the number of people lost per family, I felt my grief has been smaller. But have we learnt any lessons?"

She says she recently happened to meet the Ambassador of Kuwait at a Seminar. "I pleaded with him to raise the issue of our POWs with Pakistan as their country's relationship with Pakistan is better than ours. It is being said that our new Government will raise this issue in its talks with Pakistan. But I don't know if anything will really happen."

In some ways Damayanti Tambay is fortunate that she was able to build an independent career "I still thank God I can look after myself. I never had plans that I would work. These days girls grow-up to be career-minded, but it was not like that earlier. Anyhow I applied for this job and got it, based on my qualifications (I am an Arjuna Awardee in Badminton, in addition to the technical qualifications that I have required for the job). There must be families without a stable income. Who looks after them?" she queries.

Damayanti is also fortunate that she has supportive friends and family but she still misses her husband and has chosen not to remarry, "I miss my husband – someone to share things with. I may look at something and think, how he would have enjoyed it. I have to take all decisions myself. I am already trained for my old age, to live alone. Remarriage? I never thought it was necessary really. If a girl in today's world is strong, there is nothing for her to worry. All my staff are men for example – there has been no problem." □

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than fifty Indian, and six hundred and five Kuwaiti POWs in Pakistani and Iraqi prisons respectively, and both countries had shown reluctance to release them. The seminar was organised by the Citizens Organisation of Indian Ocean Rim (COIOR) (see the news update service on *indiaserver.com*, August 14, 1999).

On April 23, 1999, *The Nation*, Lahore, published a report entitled "Indian POWs Hype Proves False." It said, in part:

A leading Indian daily, *The Tribune* of Chandigarh, recently ran a three-part series on probable Indian POWs in Pakistan. The reports claim that 58 defence personnel have been languishing in various jails of the Punjab. According to these reports, prisoners "are rotting in Kot Lakhpat jail, Sahiwal jail and Attock Fort." A few names of the prisoners quoted in the newspaper are Major Ashok Suri, H.S. Gill and Roop Lal.

In response to these reports the investigation carried out by *The Nation* reveals that no POW of 1971 war is in the custody of the Government of Pakistan at the moment. The officers concerned categorically said only those prisoners who are convicted by the courts could be kept for so long. They said there could be some prisoners held for committing security related offences not on the books of the Punjab Government, but it was not possible to detain a person for so long if they have not been convicted. They said that even those foreign nationals held on security charges are handed over to the home

department for trials in the courts of law after the preliminary investigations are completed, but it was out of the question for more than weeks or months to pass before the intelligence apparatus handed over such detenus for regular trial and imprisonment.

The sources in the Punjab Government disclosed that at present there are 56 Indian nationals confined in various jails of the Punjab. As many as 12 of them are internees, 12 are under trial, 26 convicts, four condemned and two detenus. Two of the prisoners (both convicts) who are perhaps the oldest prisoners are in the jails since mid 1970s. They are Kashmir Singh, son of Sansar Singh and Roop Lal (this name is the only one which tallies with *The Tribune* reports). The good news for the family of Roop Lal, who has been convicted on the charges of espionage, is that his sentence will be completed in 2000.

However all other prisoners are held in the recent vintage.

This kind of investigation is an improvement on bland assertions, but falls short of a more thorough, independent assessment of whether indeed there are Indian POWs in Pakistani jails. Since the Pakistan government cannot be expected to acknowledge its sins of commission and omission, it is independent agencies such as the press, judiciary and human rights organisations which could make the case more transparent.

In Indian jails, our own people, even children, are detained without trial. When brought to trial, the criminal justice system is so slow-grinding that many people have spent a longer time in jails as undertrials, than in the term of punishment that is finally awarded to them. The conditions in Indian jails are appalling. Pakistan at one time said three hundred and ninety-five of its prisoners of war were missing since 1971. India has denied that any Pakistani POWs are in its custody. If we had brought



Flt. Lt. V.V. Tambay and his wife Dayamanti, soon after marriage

about more transparency in our own jails, and then contrasted it with Pakistan's track record, it would have helped. Even if we are in the right, as appears in this case, we don't pursue our cause with vigour, and the government's conduct appears to be tinged with hypocrisy rather than clarity of purpose. It does not seem that we are serious about getting back our nationals who have spent decades in agony after setting out in defence of India.

In April of this year, the Delhi High Court issued a notice to the Centre on a petition before it, seeking the Government to place before the Court a report about the steps taken to trace the 54 defence personnel captured by Pakistan during the 1971 war. The petition, filed by advocate K.L. Sharma, stated "Due to the negligence of the government these brave defence personnel were left unaccounted at the time of the exchange of war prisoners." It accused the authorities of declaring them "presumed dead" without going into the roots of the case (see "Centre gets notice on POWs in Pak," *The Tribune*, April 23, 1999).

Lieutenant General Jagjit Singh Arora, the 1971 war hero, is presently in the process of filing a public interest litigation in the Supreme Court. He says that these POWs are neither considered dead, nor alive. If they are to be considered dead, their families should get all the benefits that accrue to families of defence personnel who die in action. If they are considered alive, their families should receive their salaries. However, these families receive only a meagre pension determined by pay-scales applicable in 1971. General Arora says that:

i) these Indian POWs are on duty and therefore their families



Colonel R.K. Pattu with prime minister A.B. Vajpayee

should receive salaries and not pensions.

ii) The POWs should receive promotions when due, and retirement at the appropriate age.

iii) Their families should get pensions and other benefits according to present norms (see "Taki Apne Yudhbandi Wapas Aayen," Vishnudutt Sharma, *Dainik Jagaran*, June 17, 1999).

A petition was filed in the High Court of Gujarat on the same lines and Justice S.K. Keshote, taking this case seriously and looking to the 28 year long correspondence by the families of the armed forces personnel, issued notice to the Central government. In a recent hearing, the judge gave three months' time to the Central Government to take a stand on this matter. The petition was filed by advocate M.K. Paul, the Vice-President of the Missing Defence Personnel Relatives Association.

Recently, Kulveer Singhji, younger brother of Shaheed Bhagat Singh, has become associated with this issue. The idea is to ask the Government of India to take a stand on the matter by Republic Day, January 26 of next year, failing which

the matter would be discussed more widely in public forums.

Damayanti Tambay says, "What do these politicians know of the pain of not having one's loved ones near one. Only I know how I spent every moment of the last 28 years. My husband was caught by the enemy fighting for our country, not for himself. Is it not the responsibility of this country's politicians to get him back? When I said this in a talk show, Pranab Mukherjee from the Congress got angry and said, "You are being very aggressive." I then asked him whether any of his sons, daughters or sons-in-law were in the armed forces. You tell me which politician's son is in the army? Pranab Mukherjee became quiet after that. If any of these politicians' sons had died in the war, or gone to the enemy's prisons, then they would have known the pain of the families of the defence personnel."

Retired Air Marshal M.S. Bawa asserts, "I can see some dangerous signals. Only the children of the middle and lower classes are going to the armed forces while the upper classes send their children into positions of comfort and security.

Thus a deep chasm is forming between the armed forces and the ruling classes. This chasm can prove to be dangerous in the future. It should be bridged and every section of society should have a relationship with the armed forces.” Colonel R.K. Pattu of the Missing Defence Personnel Relatives Association adds, “it was not like this before. Both sons of the Maharaja of Patiala were in the armed forces. Brigadier Bhawani Singh of the Jaipur Royal family was also in the army. These people took only one rupee as token salary. The 10th para-commandos led by Brigadier Bhawani Singh were the first to land in Dhaka. He received the Mahavir Chakra for this. These people had not come to the armed forces for money” (see “Nigal Gaen Unhein Pakistani Jailen?,” Krishna Mohan Singh, *Aaj Saptahik Visheshank*, July 15, 1999).

Colonel Pattu further adds that “in 54 years of independence, India has fought wars in 1962, 1965, 1971 and now in Kargil. A proxy-war has also been going on for a long time. Twenty thousand soldiers have died in these wars who belong to the military and para-military forces. Yet it has seemingly not occurred to us to build a memorial in their memory. Instead, we have devoted several acres of land to the memorials of politicians belonging to the ruling party (we don’t include here Gandhiji, who was not part of any political party towards the end of his life). Not only that, national attention and energy is spent in visiting these memorials on birthdays and death anniversaries. We must stop using vast sums of public money to make what are essentially private memorials for individuals.”

The Amar Jawan Jyoti at India Gate was built by the British to commemorate the dead of the armed



Father and mother of Captain Ravinder Kaura

forces who fought in World War I and II. Thus, those whom we have used like cannon-fodder, those who stood steadfast at the borders while we were safe in our homes, have not been commemorated in national memory. They are largely relegated to the dustbins of history, while those who misruled and misgoverned vie with each other in hogging for themselves and their progeny, our collective national remembrance and homage.

Can the sense of outrage all thinking people will have on this issue be channelled towards

ensuring that the Indian State meets its obligations to the country’s armed forces in a fair and transparent manner? That we, the people protected by those armed forces, live out of a sense of solidarity with them? That the arduous task of protecting the country internally and externally, is not left to ‘them,’ but belongs to ‘us’? □

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