**Assault on the State is Kosher**

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October 30, 2023

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As the dust settles on the 9th May assault on military garrisons and vandalising of Shuhada monuments, the decision to disallow military courts to try the architects and activists comes as a kind of a shock to rank and file in the military. With due respect to the honourable justices of the Supreme Court of Pakistan, we have tried to analyse the long-term security aspects of the decision, without going into its legal connotations.
Military garrisons, outposts, fortifications and defence installations are protected by special laws and rules throughout the world. The protection is ensured and endowed in four domains, physical security, information security, sabotage and subversion. In the past three decades, the element of terrorism has been added to military security due to the prevailing environment and the fact that Pakistan has suffered due to its long war against terror.
In our neighbourhood, APSPA was introduced to ensure that the Indian military had powers to deal with specific threats, Armed Forces (Special Powers) Act (AFSPA) is a Parliamentary act that grants special powers to the Indian Armed Forces and the state and paramilitary forces in areas classified as “disturbed areas”. The objective of implementing the AFSPA Act is to maintain law and order in disturbed areas. This gives wider powers to the Indian army and its sister services in not only fighting insurgencies but also force and garrison protection.
It gives powers to the army, state and central police forces to shoot kill, search houses and destroy any property that is “likely” to be used by insurgents in areas declared as “disturbed” by the home ministry. Security forces can “arrest a person without a warrant”, who has committed or is even “about to commit a cognizable offence” even based on “reasonable suspicion”. It also provides security forces with legal immunity for their actions in disturbed areas.
In the case of US, a complete Department of Homeland Security with wider powers was raised after 9/11 and continues to give substantive powers to intelligence agencies military and police to fight the war against terrorism. The effect on morale of the troops housed in the garrisons and cantonments will be badly affected as they and their families will become vulnerable to assault by Tom, Dicken, and Harry. With Pakistan still reeling under the spectre of terrorism, the terrorist outfits will find it convenient to target Military Garrisons and installations, knowing fully well that our archaic judicial process will not help the state to charge the miscreants and terrorists in a short time span and they could get scot-free to live for another day.
For hostile agencies and powers operating against Pakistan, this decision could be like Man O Salwa from the sky; what else do you need when the Military Garrisons and outposts of the adversary are legally made vulnerable to assault? Stretching the imagination, we can ask the Lordships if the decision also applies to our troops and outposts deployed along the LOC and International border as well as the Afghan border. Imagine a Pakistani outpost, defence position or military headquarters along the Line of Control with India; some miscreants sponsored by the Research and Analysis Wing decide to assault these defence positions in the garb of protests, the consequences could be disastrous and weaken the defence of Pakistan Army and its sister institutions.
The decisions could also affect the Policy of Restraint that the Pakistan Army displayed and may lead to shoot-on-sight orders in future. This will further complicate the arrangements of civilians living in mixed garrisons and cantonments like Lahore, Karachi, Rawalpindi, Multan, Quetta and Peshawar. Millions of civilians have lived in these garrisons’ side by side their brothers in the Khaki, Blue and White. Lahore garrison assault on 9th May was led by some civilians living inside the garrison and it will become almost impossible to ensure the security of such garrisons till the time watertight segregation of civilians and military installations is not ensured, do the lordships require millions of civilians to pack up and move out of mixed garrisons?
Another major security challenge could be the civilians employed by the Military, Intelligence agencies and Ordnance factories, border security apparatus like Frontier Corps and Rangers and even Strategic Institutions like Strategic Plans Divisions as well as National Command Authority. Any misinterpretations of this decision could result in an unprecedented loss of control of these outfits and seriously affect the critical security infrastructure of Pakistan and its Armed forces.
All told the decision has serious security implications, making it Kosher to assault the state of Pakistan and defence forces with no holds barred; Doval must be smiling.