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## The Khalistan movement, Operation Blue Star: Political roots and legal perspective

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### Abstract

“It was not against Sikhs but terrorists”, the very exact words of Maj. Gen. Brar before the start of a military operation on Indian soil code-named “Blue Star”. Operation Blue Star was carried out between June 1 and 8, 1984 to remove militant religious leader Jarnail Singh Bhindranwale and his followers from the buildings of the Harmandir Sahib (Golden Temple) complex in Amritsar, Punjab. On June 1, 1984, after negotiations with the militants failed, Indira Gandhi, the then Prime Minister gave a ‘go-ahead’ to the controversial operation. Just after five months of the operation, Indira Gandhi was assassinated by her Sikh bodyguards, and it was somewhat compelling not to notice why. The paper introduces the operation and its main underlying reasons then it goes on to link the events with the political party including how the Khalistan movement bore the seeds of emergency in 1975 before turning to the legal filter and applying it to every aspect of the decade long disturbance. The paper discusses how the emergency was also a triggering event, The Armed Forces Special Powers Act 1983, Article 19, Article 15, the formations of SPG, Black-cat commando forces amongst other prominent legal aspects.

**Keywords:** *Operation Blue Star, Congress, Constitution, Legal perspective, After-effects*

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### 1. Introduction

Operation Blue Star, the most controversial action of the Indian Army, took place from June 1 to June 8, 1984 on the orders of Indira Gandhi to evict ‘Sant’ Jarnail Singh Bhindranwale, a separatist religious leader of the Sikhs who had ‘occupied’ the Harmandir Saheb district, with the help of armed militias between July 1983 and June 1984. Bhindranwale’s meteoric rise in Sikh community politics was partially due to the clandestine assistance he got from the members of the Punjab Congress to split the Akali Dal, a Sikh ethnic socio-religious group that was poised to beat the Congress in the 1980 elections.<sup>1</sup> It was reported that Bhindranwale was chosen for this role by none other than Giani Zail Singh, who then headed the Punjab Congress at the behest of Gandhi’s son and presumed heir, Sanjay Gandhi. However, Bhindranwale, who led the Damdami Taksal, an educational institution for the training of young Sikh clerics, soon proved to be his own person with his own ideas for establishing a revived puritan order of Sikhs based on militant strength.

<sup>1</sup> <https://www.dnaindia.com/india/report-operation-blue-starindia-s-first-tryst-with-militant-extremism-2270293> (last visited on March 10, 2020).

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Indira Gandhi desperate to remove Jarnail Singh from his position of power, took very radical and controversial steps that ultimately ended with the assassination of the Prime Minister. Operation Blue Star was considered to be the biggest mistake of Madam Gandhi's political career as well as her last battle in the game of power struggle and dominance.

The operation was not planned overnight; it was also not a planned process. It was just a retaliation, a miscalculated step in order to find the solution or put a stop to an already miscalculated, misinterpreted, failed venture of Madam Gandhi and her fellow Punjab Congressmen – Jarnail Singh Bhindranwale.

With time and the warring influence of Congress, it became evidently clear how gross violations of the Constitution, such as Fundamental Rights, had happened under Mrs. Gandhi. Incidents and occurrences that have had far-fetched repercussion in the Union of Indian and can very well be in play today also, waiting to relapse and once again take the country into the down spiral that it went through once—a homegrown crisis that was mishandled by a Prime Minister to serve her own political needs and purposes.

Operation Blue Star and the Khalistan movement is a mishandled homegrown crisis to serve the political needs and purposes of the then Prime Minister.

## 2. Background

In August 1982, Bhindranwale launched 'Dharam Yudh Morcha,' which called for the return of a puritanic form of Sikhism, of advocate for the adoption of the 1973 Akali Dal Anandpur Sakhib Resolution H was invited to Bhindranwale in July 1983. S Longowal, head of the Guru Nanak Niwas Guru at the Golden Temple, who gave him virtual charge over all entry to the most powerful shrine of the Sikh community. In Bhindranwale, a disaffected officer of the ex-Indian Army, 'General' Shahbeg Singh, used the services of his supporting forces to fortify the Gold Temple complex with machine guns and anti-tank throwers. The excesses of his followers accumulated by day and culminated in the killings of crucial men, including A Atwal, D S Atwal. G I Punjab Police fired at the Golden Temple in the middle of the day on April 23, 1983.

Bhindranwale's abject denial of a negotiated solution forced Gandhi to find a more drastic way to evict the terrorists from the Golden Temple. She turned to the army officials to devise a draft evacuation plan that eventually resulted in Operation Blue Star, directed by Lt. Gen. Kuldeep Singh Brar and supervised by Lt. Gen. K Sundarji and Army Chief Gen. A S Vaidya. The actual action was split into two main sub-operations, Action Woodrose to suppress any assault by Bhindranwale's sympathizers from the Punjab countryside, and Operation Metal to protect the Golden Temple for the Indian government.

The disaster of Operation Blue Star was—its timing coincided with the annual commemoration of the martyrdom of the fifth Sikh Guru, Guru Arjandev, which took a huge number of Sikh pilgrims to the temple complex. The state explained this by pointing out Longowal's call for state-wide civil disobedience on June 3, 1984. However, this led to a large amount of civilian deaths and injuries incurred by the attack, even as the army reported that it had requested a general evacuation of the complex before it rushed in. In addition, the government enforced emergency measures in Punjab during the activity that triggered a blackout in media coverage.

The step-by-step action began on June 1<sup>st</sup>, when the armed forces confronted machine-gun insurgents in gun battles to secure the Harmandir Sahib Complex. The army sealed off the Temple complex and proceeded to destroy the outer defenses of Gen. Shahbeg Singh. It also hurried tanks and armored vehicles to the complex along with military aircraft, which delivered real-time intelligence to its commanding officers. There was a brief truce on June 4<sup>th</sup>, when a team led by G S Tohra, former president of the SGPC, entered into talks with Bhindranwale on behalf of the government. The collapse of the talks, however, led to the resumption of the hostilities, with fire on June 5<sup>th</sup> resulting in major losses on the Indian army and the loss of three tanks as the Army Units attempted to secure the Akal Takht. The campaign faced further opposition for the next two days, with the insurgents continuing to fire until June 7<sup>th</sup> when the army eventually gained possession of much of the Temple complex. Around June 8 and 10, a raging war raged between the army and a small group of holed-up insurgents. Once Operation Blue Star concluded, 700-800 troops were killed and more than 500 militants killed, including Bhindranwale, who was also allegedly killed in the battle. State outlets have confirmed over 5,000 civilian casualties.

Operation Blue Star had a greater impact on the politics of the world as many Sikh youth switched to the Khalistan movement, which was sponsored and fostered by ISI and Orthodox Sikh organizations in Pakistan over the next years. Indira Gandhi was the most resentment of her involvement in Operation Blue Star because of the devastation and loss of parts of the Akal Takht and the major deaths of Sikh pilgrims. The sentiments of the Sikh were also insulted when the supposed entry of military troops with boots in the complex and the intentional "destruction" of the manuscripts of Sikh scriptures, which were believed to be intentionally damaged at the order of the army, was suspected. Among several

other reports, these allegations fan an atmosphere of distrust of the government which led to Indira Gandhi's compliments murdered in four months' time.

The Blue Star activity has led to an increased threat to the life of Indira Gandhi leading to the first withdrawal by the intelligence service of Sikhs from her personal bodyguard. But she felt it would boost her anti-Sikh reputation in the media and give her critics ammunition. She forced the SPG to reinstate its Sikh guard, particularly her personal favorite Beant Singh. Such circumstances led to her assassination in the morning of October 31, 1984 of Beant Singh and Satwant Singh, who fired 36 bullets at close quarters from a revolver and a Sten rifle.

The problems of the Sikh community escalated even with the death of Gandhi. When news spreads that her attackers were in the Sikh community, a terrible anti-Sikh pogrom started in the outskirts of Delhi on the evening of October 31, with anti-social characteristics reportedly being taught by local Congress leaders. The riots actively attacked Sikhs on electoral lists to label Sikh families in the suburbs of Mongolia, Palam, Shahdara, Trilokpuri, Sultanpuri and Trans-Yamuna.

The violence started in and around the AIIMS neighborhood on the very evening of October 31 and soon spread to the pockets of Gurudwaras and eventually to the suburbs of the city, which continued until November 3. The crowds assaulted male members of the Sikh families using knives, iron rods and sticks, and then burned them with flammable water to destroy evidence. Prominent members of Congress allegedly incited the crowds. H K L Bhagat, Jagdish Tytler, Lalit Maken and Sajjan Kumar, claimed to have supplied the mayhem rioters for over four days with weapons, currency, and other logistical support. It is confirmed that at least 3,000 Sikhs in the Delhi-NCR area were killed and that many Sikhs were displaced by burning the Sikh businesses in the area. The violence in other areas of India has been reported to affect the number of bodies up to 8,000 once under control. The violence has been reported. The violence reportedly took place against President Giani Zail Singh, who was the first Sikh to hold his offices, and the youngest of Indira Gandhi's family, Rajiv Gandhi, who was the next Prime Minister at his invitation.

The anti-Sikh protests enraged Sikhs all over the world and instigated Khalistan with young recipients who rushed to join. Until the early 1990s, Punjab and the India administration continued to torment the Khalistan insurgency, murdering innocent people and government officials. This was backed up by the help of the ISI in Pakistan and a group of Sikhs from outside of Pakistan who mistakenly claimed that independence could better support the cause of the Sikh community. Nevertheless, the government helped to put an end to the Punjab militancy, but not before the loss of thousands of civilians because of the flames of religious extremism and the misguided governmental reaction to the issue in late 1990s

### **3. The Sikh diaspora**

The Khalistan movement was also sourced from outside India. The Sikh religion-based people who had settled in foreign countries provided ample support, both financial and diplomatic, to the separatist motives in India. Operation Blue Star and its aftermath heavily popularized the concept and idea of Khalistan among Sikhs dispersed globally. It also enabled Pakistan to further its plan of "A Thousand Cuts" for India by supply arms, ammunition, supplies of food, training to the extremist group recruits in the movement that concluded with Operation Blue Star.

In April 1981, there were approximately 200 delegates attending the first "International Convention of Sikhs," in New York. The third Congress took place in Slough, Berkshire in April 1987, to deal with the issue of Khalistan. The purpose of this meeting was to "build unity in the Khalistan movement."

The Sikh diaspora, particularly in the United Kingdom and Canada have been very active and have participated in the ruthless events on Indian soil very closely.

NPS Aulakh, the Chief of Punjab Police in 2008 alleged that British Sikh Community was donating money to the militant outfits in the Indian Sikh Community. The then Home Office Minister of United Kingdom, Lord Bassam of Brighton, declared that International Sikh Youth Federation (ISYF) in the Kingdom had been listed in the UK's list of "Proscribed Terrorist Group" due to their involvement and activities in "assassinations, bombing and kidnappings" and that they were declared a threat to the security of the nation. The United States Treasury Department also added the ISYF in its list of terror outfits on June 27, 2002.

According to Punjab Police reports in 2016, there were 290 terror organizations and outfit listed in their wanted list, out of which 125, which includes all major terrorist organizations operated from foreign countries especially from Germany, UK, Canada and the United States.

While they live overseas, the Sikhs are closely connected to their community and faith. Throughout the aggressive process of the Khalistan struggle, there is a continuing appeal for redress for the Sikh perpetrators. The diaspora, in

several respects, is still used long after its death as a fire carrier of the Khalistan movement, which is strongly political and armed. Latest studies show a rise in the feelings for pro-Khalistan in the Sikh Diaspora in the outside world that could theoretically revive the secessionist movement.

#### 4. Congress involvement and consequences

Congress has always been deflecting when it comes to its support for the Khalistan movement, although it played a crucial role in instigating Khalistan movement. The involvement of Congress is evident from various facts. Indira Gandhi, the then prime minister, might not have been fully aware of Jarnail Singh Bhindranwale, but former congress CM and later president, Zail Singh was in close contact with Bhindranwale the whole time. It has also been alleged that Bhindranwale also received financial and political support and assistance from the Congress to destabilize the Akali Dal, as it proving to be a disrupting force to the power and influence of Congress in the State of Punjab. This was not just a sudden radical approach by a leader of Congress; it had always been in existence since the time of independence when Pandit Jawahar Lal Nehru stated the following, “The brave Sikhs of Punjab are entitled to special consideration. I see nothing wrong in an area, and set-up in the North wherein the Sikhs can experience the glow of freedom.”<sup>2</sup>

The emergency of 1975 declared by the then prime minister Indira Gandhi was also contended and resisted by the Akali Dal. “Campaign to save the democracy”, the first mass protest in the country was organized by the Akalis in Amritsar during the emergency on June 9<sup>th</sup>.

After the emergency, Indira Gandhi lost the 1977 elections to the Akali Dal, and a coalition government was formed. Zail Singh, the vanquished Chief Minister who later became President of India, was most upset, not only because he had lost power, but also because he had been found guilty of abuse of authority by the Gurdial Singh Commission, which had been appointed to look into his actions as Chief Minister. In order to oppose the Akali government and protect the interests of congress in Punjab, Sanjay Gandhi proposed to appoint a ‘Sant’ to fulfill these ambitions, he was already famous for his extra-constitutional tactics. Eventually, Jarnail Singh was chosen as a suitable candidate for this. As Sanjay Gandhi’s friend, Kamal Nath, recalled: “The first one we interviewed did not look a ‘courageous type’. Bhindranwale, strong in tone and tenor, seemed to fit the bill. We would give him money off and on, but we never thought he would turn into a terrorist.”

After the Nirankari clash in 1978, Bhindranwale gained media attention. Seventeen Sikhs died in the clashes on April 13<sup>th</sup> which was a Baisakhi Day Bhindranwale said that the killing of Sikhs when Akali was Chief Minister of State was outrageous.

In the 1978 elections to the SGPC, the Congress endorsed the candidates led by Jarnail Singh Bhindranwale. Congress member Giani Zail Singh is reported to have funded the initial meetings of the separatist group Dal Khalsa, which interrupted the Ludhiana session of the Akali Dal in December 1978 with wall-writing that was provocatively anti-Hindu. Again, proving that the Congress was using Jarnail Singh to target its opponent the Akali Dal.<sup>3</sup> In 1979, Bhindranwale put up 40 candidates against the Akali candidates in the SGPC election for a total of 140 seats, he won only four of the seats, all the candidates received support from the Congress.<sup>4</sup> A year later, Jarnail Singh actively campaigned for the Congress candidates in 3 constituency assemblies as reported by Tully(1985)<sup>5</sup>.

Gurdial Singh Dhillon and Raghunandan Lal Bhatia, congress candidates of the 1980 elections, were also backed by Bhindranwale. Initially, Bhindranwale was not very powerful, but in the early 1980s, the efforts of Congress promoted him to the position of a national figure. This later turned out to be a miscalculation, as the separatist political aims of Bhindranwale became common among the agricultural Jat Sikhs in the area. Even after coming to power after the election of 1980s, Congress was unable to keep a check on Jarnail Singh Bhindranwale and its activities.

Jarnail Singh Bhindranwale was from the core of his heart a separatist with extremist views, it can safely be inferred that he used Congress just as a platform to gain popularity and to mass communicate his ideologies. With the help of powerful national leaders, he went on rampaging Punjab and preparing it for war with the Union of India which ultimately climaxed with Operation Blue Star.

The Operation took its toll even on Prime Minister Indira Gandhi, she was assassinated by her Sikh bodyguards and hence changed the course of India. If Indira Gandhi would have opted for other, more non-destructive path such as the “Operation Sundown” that was proposed by the intelligence agencies, maybe she would not have been assassinated

<sup>2</sup> <https://archive.org/details/SikhsInHistory/mode/2up> (last visited on March 9, 2020).

<sup>3</sup> Akshayakumar Ramanlal Desai, *Expanding Governmental Lawlessness and Organized Struggles*.

<sup>4</sup> Mitra, Subrata K., *The Puzzle of India’s Governance: Culture, Context and Comparative Theory* 94 (2007).

<sup>5</sup> Tully(1985), pg 177.

out of hatred for Operation Blue Star, and subsequently, she would have ruled her full term. Hence, we can easily, profoundly conclude that the single “Go Ahead” for the Operation Blue Star provided fatal for Indira Gandhi herself as well the course she set India into. The assassination also triggered the creation of the Special Protection Group, that as of today protects the prime minister and every other former prime ministers and president. It also leads to the call for creating a unit of the military that was specially trained in counter-insurgency and counter-terrorism operations in Indian soil, with minimum civilian casualties, and hence the elite force of the so-called “Black cat” commando force was formed, we saw it in action in 26/11.

## 5. Legal perspectives

Applying a legal filter to the operation and its related events, including its preparation and its aftermath, we can see that it had a wide range of connotations and effects—effects that even echo today into the 21<sup>st</sup> century democratic world leader.

### A. Article 15

The Constitution of India under Article 15<sup>6</sup> states that the state shall not discriminate against any citizen on grounds only of race, religion, caste, sex and place of birth.

The word “discrimination” refers to make an adverse distinction with regard to or to distinguish unfavorable from others while the term ‘only’ means that discrimination can be done on the basis of other grounds.

In the operation ordered by the Prime Minister herself, the supreme representative of the State, not only did discriminate on the grounds of religion but practically handed the armed forces the key to bloodshed, all that just to eliminate one target, one person that was a result of the Congress miscalculations and political bewilderment. The discrimination occurred from the killings during the Operation, be it tourists, hostages, the army eliminated each and every Sikh that was inside the Golden temple ignoring the fact that they could have been victims themselves. Discrimination also occurred in form of hatred, when religious and sacred texts were burned in an unjustified manner by various stakeholders of the operation in a rather unjustified manner. The Sikh Reference Library, an irreplaceable collection of books, manuscripts, and artefacts bearing on all aspects of Sikh history was destroyed. Not to mention the fact that Armed Forces were deployed in a very sacred place of a major religion of the world.

The second provision of the Article 15 says that no citizen shall be “subjected to any disability, liability, restriction or condition on the grounds of any religion, caste, race, sex, place of birth with regard to;

- i. Access to shops, public restaurants, hotels and place of public entertainments.
- ii. The use of wells, tanks, bathing ghats, roads and places of public resorts maintained wholly or partly by state fund or dedicated to use of general public.

But it was like the prime minister forgot that the Constitution existed when she ordered the ‘go-no-go’. The operation, coupled with the Operation Woodrose, the military exercise done across Punjab to sweep clean militants from each household defies these provisions and subject the Sikh masses to restrictions on the grounds of religion and beliefs.

The ostensible aim was to kill the leadership of the movement for right to self-determination, however, the level of force used in the attack was utterly incommensurate with this limited and eminently attainable aim. “Seventy thousand troops, in conjunction with the use of gunship helicopters, tanks and chemical gas, killed thousands of Sikh pilgrims including women and children. The highest temporal seat of Sikhism was reduced to rubble and the Sikh Reference Library, an irreplaceable collection of books, manuscripts, and artifacts bearing on all aspects of Sikh history was destroyed”.

### B. Article 19

The Constitution of India under Article 19<sup>7</sup> states the protection of certain rights regarding speech and expression.

Article 19 states that all citizens have the right to freedom of expression, to assemble peacefully without arms, to form associations and unions, to move freely throughout the territory of India, to reside and settle in any part of India.

The violation of this article stands apart. It is evident from the fact that the situation in Punjab was so dire due to the activities of Jarnail Singh that the Hindus residing in Punjab were even afraid to say that their mother tongue was Hindi. The government, specifically the then Prime Minister, seemed to have turned a blind eye to the sufferings of the minority

<sup>6</sup> The Constitution of India, 1950, Art. 15.

<sup>7</sup> The Constitution of India, 1950, Art. 19.

Hindus in Punjab that vastly consisted of Sikh residents. Editors of acclaimed newspapers were murdered by Jarnail Singh just because they wrote and encouraged Hindus to be fearless and choose Hindi as their mother tongue. In a politically arrested environment, Sikh militants on September 9, 1981 assassinated Lala Jagat Narain, *the Hindu* owner of the *Hind Samachar* newspaper group. He was a prominent critic of Bhindranwale and had been writing about Hindus selecting Hindi as their mother tongue rather than Punjabi. In 1981, the Bhindranwale and his supporters were furious about it. The White Paper of the Indian government said that Narain was murdered for criticizing Bhindranwale. Bhindranwale was arrested on September 15, 1981 for his supposed involvement in the killing, but released in October by the Government of Punjab because there was no proof to convict him.

Generally, we move to court to enforce our rights when they are violated; it means we turn to the governing bodies—the judiciary when others infringe our rights. However, there has been an instance in the Indian history where mass and gross violation of Article 15 have been observed in open, not infringed upon by someone over one, but it looked like the citizen never needed the protection of the Constitution. Jarnail Singh Bhindranwale, after his acquittal in the murder case of Lala Jagat Narain due to lack of evidence, toured Delhi to Mumbai in trucks carrying with him arms and bodyguard with rifles openly like he was the God, and why should he not, at that time, Zail Singh was made president by Madam Prime Minister, the same person who recruited Bhindranwale to serve the political selfishness of Congress in Punjab. Article 19 expressly says that all citizens have a right to assemble and form unions<sup>8</sup> as well as associations but without arms and ammunition<sup>9</sup>. However, no case was filed, no action was taken upon Jarnail Singh or his followers for violating the basic principles of the Indian Constitution.

Article 19, clause 1 sub-clause (a) guarantees that there shall be freedom of speech and expression available to every citizen of the country. Nonetheless, Indira Gandhi put a complete cap on all media communications after imposing Presidents Rule in Punjab, rule of a president in a state afflicted with communal tensions and terrorism who was a sympathizer of the leader himself.

Although the freedom enshrined in Article 19 is not absolute and can be curtailed by the government of the Union of India when it is a matter of sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.<sup>10</sup> Analyzing the situation that prevailed at that time, relations with foreign states were barely formed that it will get affected, public order was already a mess in Punjab due to the activities of Congress funded, self-proclaimed antagonist Jarnail Singh, the sovereignty and integrity of India was at fault when the prime minister imposed a complete ban on all media reporting, it helped the cause of Bhindranwale spread false information and rumors thus further compromising the integrity of India by fuelling communal hatred and fear in the rest of Indian Union.

### ***C. The Armed Forces (Punjab and Chandigarh) Special Powers Act 1983***

The 1958 Armed Forces (Special Powers) Act (AFSPA) is an act of the Parliament of India providing special powers to the Indian Armed Forces to maintain public order in the “disturbed areas”. According to the Disturbed Areas (Special Courts) Act, 1976, after it has been deemed ‘disturbed,’ the region shall retain the status quo for at least three months. Since there is already an Act in place, there is no need to explicitly bring the same Act with some additional sections for a specific part or some UT/states.

However, this was not the case in 1983, just a few months before the Operation, when the Indira Gandhi led government saw the situation warranting the deployment of the army, the situation that was created by the person Congress created to be used as a pawn in their game for a power struggle in Punjab, the government brought in The Armed Forces (Punjab and Chandigarh) Special Powers Act, with two unique addition to the already existing and enforceable Act.

The addition was as follows:

1. Subsection (e) was applied to Section 4, which stipulates that any vehicle can be physically halted, searched and confiscated if it is suspected of carrying a proclaimed criminal or weapons.
2. Section 5 was applied to the Act stating that a soldier has the right to crack open any locks “if the key thereof is withheld”.

Now, talking about violations, time and time again, the Act has been criticized not only by our very own members of the parliament but also by international stakeholders, including the United Nations.

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<sup>8</sup> The Constitution of India, 1950, Art. 19(1)(c).

<sup>9</sup> The Constitution of India, 1950, Art. 19(1)(b).

<sup>10</sup> The Constitution of India, 1950, Art. 19(2).

First of all, the AFSPA is based on a 1942 British ordinance intended to contain the Indian independence movement during the Second World War. Furthermore,

1. The declaration of an area as “disturbed” is not subject to judicial review and thus means that the government can label any region as disturbed to fulfill its own motives.
2. The right to life is abused by Section 4(a) of the AFSPA, which gives the armed forces the ability to kill in law enforcement cases without regard to limits on the use of military force under international human rights law. Lethal force is usually allowed under the AFSPA if the object is part of the assembly of five or more people possessing arms or “carrying things capable of being used as weapons.” The words “assembly” and “weapon” are not specified.
3. The right to liberty and protection of a citizen is breached by Section 4(c) of the AFSPA, which refuses to defend against unlawful detention by authorizing soldiers to apprehend someone purely on evidence that a “recognizable offence” has already happened or is likely to take place in the future.
4. Among the worst immunity provisions provided under Indian law is the one that protects those operating under the AFSPA. It is often used to prevent civilian prosecutors from prosecuting soldiers.
5. On March 31, 2012, the UN asked India to withdraw the AFSPA, claiming that it had no role in Indian democracy. Christof Heyns, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, said, “During my visit to Kashmir, AFSPA was described to me as ‘hated’ and ‘draconian’. It clearly violates International Law. A number of UN treaty bodies have pronounced it to be in violation of International Law as well.”
6. The Act cannot also be justified under Article 4 of the International Covenant on Civil and Political Rights, ICCPR.

## 6. Conclusion

The democracy indeed went through a dark phase during the decade but somewhere in the struggle it made what India is today, it made the country strong reignited communal collaboration and gave a new spark to the largest democracy of the world. Even fire which provides light and warmth have negative effects when used in a bad way, it can be used to cook food or burn down a house, it may be accidental. The point being, everyone has a bright side and a dark side and Indians are known for their resilience and coherence.

Talking about the imprint that Operation Blue Star left in Indian history is too deep to be described in mere words. But, it can be with utmost certainty be said that it was one of the most significant turning point in Indian history. Looking at it through a bird’s eye view, it did not only change the political scenario of our country vastly but also substantially altered the laws of the land and in such a way that we are still living in its shadows. From the assassination of the then prime minister, Indira Gandhi, led to the downfall of the All India Congress Party and thus altered the course of Indian Politics, had Madam Gandhi not been assassinated, she would have gone to complete her full term of office and had all the chances to coming back into power. Had she not been assassinated, it is quite possible that the reign of the Indian Congress could have lasted for another decade, which evidently, it did not. Hence, the economy of the country suffered in the hands of fractured and coalition governments that followed as a result of the aftermath.

The alteration of Indian Laws can be well seen today; Operation Blue Star is still considered a black day amongst the Sikh Community and the diaspora. The involvement of the United Kingdom in the internal affairs of a country, even after independence and its deep-rooted reach and approach in the country’s functioning, was a red light in itself. It clearly indicated that democracy needed more aggressive and strong laws that dealt with foreign interference in internal conflicts and matters. The operation also revealed how the army had regulated and controlled the media during the time of the operation and thus fueled a legal debate on the independence of media and the upholding of fundamental rights that were enshrined in the Constitution.

“Democracy shows not only its power in reforming governments, but in regenerating a race of men and this is the greatest blessing of free governments.” -Andrew Jackson

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