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## **Bleak future of democracy and constitutional values in India**

**I**t is said that India is the largest democracy of the world and the Indian constitution is the best of all the constitutions. But in verity if the ground realities are analyzed, these two things are not seen in practical. At this time, the fact is that Democracy has remained limited to the elections itself; and elections is a play tool in the hands of Indian ruling class, in which they follow new methods of cheating people, give false promises and use various methods of political gambling to make themselves politically strong and maintain their ruling position. In the hands of these ruling classes the constitution has become hostage. They always follow that part of constitution which is beneficial to them; and the articles, fundamental rights etc. which are for the common people are always ignored.

Democracy and republic is mentioned in the preamble of our constitution. But these two words are limited to the electoral politics only. In these electoral politics, the ruling class of India is playing with the sentiments of common people by making false promises and spending billions of rupees to purchase the votes and creating their vote banks. There is no accountability for the politicians for making false promises in the elections,

which is impossible to implement in reality. If we go through the elections which were held during the year 2014 in India, and the local elections in different states of India, it is clear how the Indian politicians have deceived the people of India. Narendra Modi at the time of elections betrayed the people by promising bringing back good days (Acche Din), bringing back black money of Indians from foreign banks and depositing of fifteen lakh rupees in the account of each and every common citizen, providing employment to every youth, corruption free India, controlling Inflation, 33% political reservation for women, preventing farmer suicides, removing criminals from politics, reducing the price of petrol etc. But after occupying the power at the centre, Modi forgot all the promises made by him and never ever spoke on these issues. People are still eagerly waiting for 'Acche Din' and return of 'Black Money'. And finally they understand that they have been duped through false promises.

In the same manner, if we go through the election campaign of K. Chandrashekhar Rao, Chief Minister of Telangana state, he is also not far behind Modi. The first promise was a Dalit would be made the first Chief Minister of newly formed Telangana



state. The other promises were 12% reservation for Muslims within four months, two bed room houses for weaker sections, Rs. 50000 crores for Dalit welfare, Rs. 25000 crore for the welfare of backward classes, 1000 crore budget for Muslim welfare, regularization of contract staff, creating facilities to the Telangana employees, employment for the unemployed youth, taking care of farmers issue etc. But people of Telangana got first shock when Chandrashekhar Rao declared himself as first Chief Minister of Telangana state by saying that it is necessary for him to become CM for the development of Telangana. During the Telangana movement he had said that if Dalit is not made CM, he will cut off his head. Muslims of Telangana got a shock when he said that he never promised 12% reservation within four months, it will be given in due course. And then for the name sake he formed a committee to study the conditions of Muslims; this committee does not have any legal or constitutional validity. In fact, if KCR was serious he would have requested the BC Commission to take up the study for providing reservation to Muslims. KCR had also promised that Muslims would be able to live with dignity in the new state. He always gave a slogan of Noorani Telangana, Bangaru Telangana (bright Telangana). After formation of Telangana state and taking up the power in his hands, KCR ruined all the promises made by him; and openly lied that he never said those things. People of Telangana who had many aspirations from the new state were all destroyed badly.

When we compare these two governments one BJP at centre and another TRS at state level, we can see many similarities in the promises made to the people. But immediately after coming to power both of them took 'U' turn and shamelessly are defending themselves that they never promised such things. The people of Telangana state who believed K. Chandrashekhar Rao and 31% of Indians who believed Narendra Modi are now seriously thinking that these two leaders are in fact cheaters, lairs, selfish and opportunists'. Only for the gain of power they made such promises, played with the sentiments of the people but ultimately they have played with the democracy and constitution of India as a tool. Indians feel proud that their country is a democratic country and give lot of value to the Indian constitution which has given them democratic rights, republic and socialist country. Due to these kinds of leaders, people's confidence on democracy and constitution is vanishing. This is the high time for India that if it has to restore democracy and constitution, such kind of politics should be put to an end and such kind of so called leaders should be shown their proper place. Or else the future of the democracy in India may turn into complete feudalism and the constitution of India will be like a holy book which will be preserved in the parliament that may be more like a feudal house. To save the democracy and to protect the constitution of India now the time has come to build a mass democratic movement so that the country gets rid of such kinds of ditching leaders.

## Hate Speech Hate Crimes and Communal Polarization

**W**hile addressing a Sadbhavna rally organized by RSS in Haryana (April, 2016) Baba Ramdev, the entrepreneur cum yoga guru, while referring to Muslims said "Some person wears a cap and stands up, and "... says I will not say 'Bharat Mata ki jai' even if you decapitate me. This country has a law, otherwise let alone one, we can behead lakhs...if anybody disrespects Bharat Mata, we have the capability of beheading not one but thousands and lakhs." Just before this Maharashtra Chief Minister Fadanvis asserted that those who refuse to chant Bharat Mata Ki jai have no right to live in India. (1)

In 2013, Majlis-e-Ittehadul Muslimeen legislator Akbaruddin Owaisi had said that had the police not been there Muslims would have shown the Hindus their might. He was arrested under the clause of Hate Speech and was put in jail for some time. (2) These are two most glaring examples of the "Hate speech", which in a way is likely to incite violence, and is also is the foundation of communal violence.

### **Hate Speech: Communal Violence**

Communal violence is the violence in the name of religion and is targeted

at the religious minorities or 'other' religious communities in general. It is a major phenomenon in South Asia. This has worsened during last three decades in particular. We have witnessed the Christians, Hindus and Ahmadiyas being the target in Pakistan, Muslims and Christians in India and Buddhists and Hindus being major victims in Bangla Desh. Also Muslims in Myanmar, Christians and Muslims in Srilanka have similar plight. This violence has been preceded and accompanied by a type of 'social common sense' directed against the targeted minorities. The 'social common sense', stereotypes, myths about religious minorities are abounding in these countries.(3) This social common sense about the 'other' community is the foundation on which violence is orchestrated and innocent lives are lost. This social common sense has a deeper trajectory, many distortions, some misrepresentation of the present, both go into construction of this social common sense.

Social common sense has been built over a period of time. In this 'Hate Speech' against the other community has played a crucial role. The leaders espousing the cause of religious nationalism have resorted to the hate

speech about other minorities. In India it has been a pattern since long. These communal political tendencies initially failed in the electoral arena, particularly in the Assembly elections of 1937. That was the beginning of this horrific phenomenon at large scale. The Hate speech not only builds up the "social common sense" over a period of time, it also acts as an immediate trigger to instigate the violence. While this Hate speech has been the core part of talks of communalists, they have been indulging in it vociferously to the detriment of social peace, it acts as a major divisive factor in the society.

## **Rumors**

Hate speech instigating violence gets translated in to rumors, rumors about molesting women by 'them', cow has been killed by 'them', beef in the fridge, the need for forced sterilisation of Muslims and Christians, exhorting conversions into Hinduism through marriage, blaming the rise of communal tensions in western Uttar Pradesh to the increase of a particular minority religion in the state, the call on Hindus to fight back, the call on Muslims voting rights to be revoked, that mosques are not religious places of worship that may be demolished at any time, that India has been facing a battle between asuras (demons) and devs (gods) and that the Indian society is under attack from Muslims and Christians and many such related to the identity issues have been used. After Babri demolition hate speech was indulged in by Bal Thackeray of Shiv

Sena which acted as a prelude to the Mumbai violence of 1992-93. Through his editorials in Shiv Sena mouth piece Saamna, he openly abused the Muslim minority, exhorted Hindus to be aggressive, and in a series of outbursts called Muslims as being pro-Pakistan. Concerned citizens put up a case against him but to no avail as there are enough escape clauses in the law at present. Bal Thackeray went unscathed despite massive and overt Hate mongering. (4)

## **From RSS Combine**

In the build up to Babri demolition, Sadhvi Ritambhara of Sangh Parivar, VHP was aggressively indulging in Hate speech, against Muslims. Her speeches revolved around, alleged atrocities of Muslim kings, Kashmir issue and the social conditions of Muslim minority. The trend continued and it was taken to despicable limits by Paravin Togadia of VHP. Once Pravin Togadia was arrested in Rajasthan for this crime, but he continued without any remorse (5). Another of BJP leaders Varun Gandhi once threatened in a public meeting that he will cut the hands of Muslims, he also said that Muslims have frightening names and looks (6).

Many others from the Sangh stable have been more subtle but equally dangerous, in creating the negative sentiments about religious minorities. Narendra Modi wound up the refugee camps in Gujarat too soon, after the post Gujarat carnage. He said that these refugee camps have become the

'child production centers', referring to more number of children in Muslim families. He also went on to use the phrase, 'Hum do-hamare do-who panch unke Pachis' (We [Hindus] are two and have two children, Muslim has four wives and produces twenty five children). (7)

### **Sadhivs. Sakshis and Yogis**

Many of the Godmen, associated with VHP or working in tandem with these organizations spew lot of venom against Muslims and Christians. Not to be left behind the likes of Akbaruddin Owaisi, of MIM in Hyderabad and other such elements also talk in a very hostile manner about the Hindus. Incidentally Owaisi is amongst the very few who have been arrested for Hate speech. But in most other cases, generally those spreading hate get away without any action against them.

In Muzzaffarnagar (2013) two BJP MLAs indulged in lots of public speeches directing their hate against Muslims. One of them, Sangeet Som is alleged to have uploaded a video clip, in which a Muslim looking crowd is brutally beating two youth. (8) As such the video clip was from Pakistan where a mob lynched two thieves. BJP MLA in this case commented that these are the Hindu youth who were beaten by the Muslim crowd in Muzzafarnagar. This supplemented by the rumor of the Hindu girl being molested by Muslim youth did the trick and it acted as a trigger for unleashing massive violence.

Examples of other hate speech

includes how the chief of the RSS, Mohan Bhagwat has repeatedly asserted that everyone in India is Hindu, including Christians and Muslims because India is a land of the Hindu people. He had also further made a speech noting that Mother Teresa's good acts were not done in the fullest of good intention and that she had another motive, which was to convert Hindus. Al-Jazeera reported the following cases of hate speech during the election. (9)

### **Since Modi Came to Power: 2014**

The coming to power of Narendra Modi (May 2014) in a way has given an open license to all the affiliates of RSS combine to indulge in open hate speech against the religious minorities. The current agenda behind the hate speech is to consolidate the communal polarization of the society along the lines of religion.(10) The likes of Pravin Togadia, Subramaniam Swami, Giriraj Singh, Sadhvi Niranjana Jyoti, Sadhvi Prachi, Sakshi Maharaj, Yogi Adityanath, Sanjay Raut and company seem to be above law. Just as a matter of record Togadia was put behind bars for a day; but no further action.

Currently apart from these associates of RSS, which are reported in the media, there are many more indulging in the divisive speech and worsening the communal situation. Lately they have started feeling emboldened as they know it is 'their' Government and they can get away with it. Day in and day out they are



becoming more aggressive and vicious in their language. Baba Ramdev being the latest example of the hate speech against religious minorities has been stepped up.

One recalls even before Modi Sarkar assumed the seat of power the divisive activities of 'BJP associates' in the form of propaganda of love jihad and Ghar Vapasi were on, and they are continuing with more venom now. Soon after this Government came to power in Pune, Mohsin Sheikh, a person working in IT industry was hacked to death by activists of Hindu Jagran Sena, in the aftermath of morphed pictures of Bal Thackeray and Shivaji being posted on the social media.(11) The attack on Churches was very glaring and the process which was dominant in Delhi and Haryana was also witnessed in places like Panvel near Mumbai, Agra in UP amongst other places.

Sakshi Maharaj not only said that Godse was a patriot; he also went on to say that Hindu women should produce four children, as Muslims are overtaking the population. Sadhvi Prachi went to prescribe eight children for Hindu women. She also gave a call that the Muslim film actors, Aamir Khan, Shahrukh Khan and Salman Khan should be boycotted. Yogi Adityanath, BJP's MP keeps making very derogatory remarks, He said that in 'love jihad' if one Hindu girl is converted then 100 Muslim girls should be converted to Hinduism.(12) The propaganda around love jihad keeps

simmering and various small and big leaders keep using it to divide the society. Same Yogi went on to say that Mosques should be converted into den of pigs and that Muslims should not be allowed to come to Hindu holy places.

## **Central Ministers**

Two central ministers of Modi Sarkar, Sadhvi Niranjana Jyoti (13) and Giriraj Singh (14) made very insulting and humiliating remarks about non Hindus and the color of skin of UPA chief Sonia Gandhi. Niranjana Jyoti stated that all those who are non Hindus are illegitimate, Haramzade. Giriraj Singh had earlier said that those not voting for Modi should go to Pakistan. Interestingly he said this before the elections and despite this Hate Speech he was elevated to the level of minister in the Modi Sarkar. He made racial comments about Sonia Gandhi recently. Sakshi Maharaj also held Godse as a patriot, while his another party colleague from Kerala, one Gopal Krishnan wrote in RSS mouth piece Kesari that Godse chose a wrong target in killing Gandhi, he should have killed Nehru instead.

Subramaniam Swamy, one of the very senior leaders of BJP, said that God lives in temples alone, not in mosques. (15) The hidden implication of this statement is fraught with danger. These are few of the samples from what all has been stated in recent times. Its impact in increasing the sense of fear amongst religious



minorities is more than obvious. BJP ally Shiv Sena's MP Sanjay Raut went to the extent of demanding that the voting rights of Muslims should be revoked (16).

## **Who Uses Hate Speech?**

As such one realizes that 'Hate speech' is the outcome of the politics of divisiveness, it is the concentrated expression of the 'social common sense' prevailing in the society, it is the forthright and blunt way of putting things, which communal parties propagate anyway. It is not out of the blue that these formulations suddenly crop up, their infrastructure, the base of these has already been made by a section of political outfits.

## **Hate Speech: Weapon of Divisiveness**

It is not only disturbing but totally against the values of our democratic society that such 'hate other' ideology and speeches have become the weapon in the hands of a type of politics, which thrives on exclusion; which identifies a particular religious community as synonymous with the nation state. Again this 'hate speech' is the language of a section of those who thrive on identity politics far away from the real issues of the society.

As such Hate speech in India entered the political arena with the rise of communal streams in politics, like Muslim League on one side and Hindu Mahasabha and RSS on the other. These streams believed in the nation based on one religious community.

These streams came from the sections of earlier rulers, landlords, Nawabs and Rajas etc. The ideology of religion based nationalism is narrow and it excludes 'other' from its notion of nationhood. These beliefs then get converted into Hate other, and later turn in to 'Hate speech'.

In this atmosphere once a while the BJP spokespersons will say that the view expressed by the particular leader are 'personal' and stop at that. For BJP another escape clause is that its associated organizations like VHP, Vanvasi Kalyan Ashram and Bajrang Dal are formally different organizations though they are also part of RSS controlled Sangh Parivar. (17) They all are working in tandem with BJP for actualization of agenda of Hindu Rashtra. So while BJP is not directly responsible for their actions, the direction of the actions is the same. Many a people call these organizations as fringe elements, while as a matter of fact there is a division of labor between these organizations (18). These have become more aggressive during this time. And surely after the Modi Sarkar coming to power their vitriol has become more intense.

## **-What Does Law Say?**

"Under international human rights standards, which are to guide legislation at the national level, expression labeled as "hate speech" can be restricted under articles 18 and 19 of the ICCPR on different grounds, including respect for the rights of others, public order, or even sometimes

national security" - Rabat Plan of Action, 2012

Section 153A of the Indian Penal Code criminalises among other things the promotion of 'enmity between different groups on the ground of religion...' Section 153B further affirms that 'imputations and assertions prejudicial to national-integration' is equally a crime. (20) Despite this, groups that subscribe to Hindu nationalist ideologies have been able to zero in on Muslims and Christians by circulating inflammatory remarks and making fallacious allegations about these communities during mass meetings, through social media and in their publications.

Major Leaders indulging in HS, some of the cases registered against them:

1. Pravin Togadia - Vishwa Hindu Parishad: Faces 19 cases registered in more than 12 different cities, according to reports
2. Akbaruddin Owaisi - Majlis-e-Ittehadul Muslimeen: Faces 11 cases
3. Varun Gandhi - BJP: During the campaigning for 2009 Lok Sabha elections, he had allegedly made anti-Muslim remarks
4. Uddhav Thackeray - Shiv Sena Chief: Had allegedly made inflammatory speeches against migrants from Bihar and its people
5. Raj Thackeray - Maharashtra Navnirman Sena: Has several FIRs

against him in cases of violence and hate speeches

## **Controlling: Punishing Hate Speech**

The failure to control the Hate speech is due to multiple factors. One, the law is not very specific about the Hate speech. Second, the law enforcement machinery itself is fairly communalized. The evidence gathering for Hate speech, many a times is not so easy, video recording etc. The Communal Violence Prevention Bill, which was contemplated during UPA Government did take into account these factors and wanted this issue to be dealt with squarely.

At deeper level one realizes that a dangerous role is played by the school books, which are being used by sectarian politics to spread the negative perceptions about minorities. Many a communal organizations through their actions are spreading the foundation on which Hate speech can easily gel and be acceptable to sections of society.

What is needed is the propagation of India's diversity and pluralism. The Hindu-Muslim-Christian relations, which were very amicable during the medieval times, need to be highlighted. The creative interaction of different religious communities in India, which is being undermined and is being forgotten, needs to be brought to the social focus. The sectarian politics resorts to Hatred for others, the need to counter this politics at political and social level.

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## Two Police States Replacing One Police State

That change need not always automatically lead to progress and it is more probable that it results in regression is an age-old truth being confirmed once again by both the state governments of Telangana and Andhra Pradesh. Indeed, it is not even a change in essential structure of society, economy and polity, but only a formal change in territorial division. However, the regression after the change is much more visible and blatant in terms of violation of civil liberties and democratic rights. It is almost two years since the change took place and it is imperative to take stock.

The erstwhile Andhra Pradesh from 1956 to 2014, particularly after 1969 was a veritable police state with all imaginable kinds of gross violation of human rights and the gory record is well documented. Curtailing all fundamental rights enshrined in the Constitution, restrictions on freedom of speech and expression, freedom to hold meetings and freedom to form unions, imposition of Sec. 144 IPC and Sec. 30 of the Police Act, using indiscriminate lathi charge, cannon charge, tear gas and fire arms to

disperse peaceful demonstrations of people, unlawful detentions, keeping political opponents in jails on false cases, extra judicial killings, in one word, terrorizing society into silence and indifference was the order of the day. Rule of law was followed more in violation. This repressive state began gaining power showing the pretext of Naxalite movement and extended its octopus grip on the entire society. Quite naturally, tribals, dalits, downtrodden, women and minorities were at the receiving end. The ruling classes from Coastal Andhra and Rayalaseema used this repressive mechanism also on Telangana people who questioned the regional discrimination and injustice. Thus a thirst for fundamental rights, democracy and rule of law formed part of the reasons for widespread Telangana statehood movement. A section of the ruling class from Telangana, who till then were junior partners of their counterparts from Andhra and Rayalaseema, suddenly realized the injustice meted out to their region and jumped into the movement to cash on the people's aspirations. After decades of people's struggle and



innumerable sacrifices, Telangana movement achieved victory in the form of formation of a separate state.

One naively expected that the resultant new states, Telangana and residuary Andhra Pradesh, would at least respect civil liberties and democratic rights of people and administer a rule of law. This expectation was a result of the fact that in Telangana, the widespread mass movement categorically expressed it and even the ruling class representatives openly promised it and in Andhra Pradesh, it was expected that the powers that be will take lessons from their past experience.

However, within a short span of time both the states dashed these expectations in most violent and brutal form once again demonstrating that change might be regressive. Telangana government, headed by Telangana Rashtra Samiti, which boasts of its leadership of the separate statehood movement, began following the same atrocious, unlawful acts which it was criticizing till yesterday. The same kind of lawlessness, suppression of fundamental rights, including freedom of life continued unabated. Beginning from the lowest forms of violation of fundamental rights like restricting freedom of speech and expression to the highest form of killing people without judicial process increased under Telangana government. One of

the earliest acts of the government was providing free hand and huge funds to police forces, which inherited lawless behavior from a four-decade old experience. The government which came to power on the back of a people's movement that itself was a target of human rights violation did not feel any compunction to implement same policies. Seminars, conferences and meetings scheduled to take place within four walls to discuss people's issues were not only denied permission but also hundreds of police forces cordoned off the venues and arrested hundreds of people and scheduled speakers. Police were allowed to deal with the demonstrations by municipal workers, sanitation workers, farmers, students and youth, without any chance of democratic dialogue. In the process the police used the only method they know, iron hand, beating, kicking, lathi charge, cannon charge and illegal detention. Extra judicial murders, euphemistically called 'encounter deaths', a word that came as a legacy from erstwhile Andhra Pradesh, not only continued in Telangana, but also with much more cruelty and impunity.

Two cases of encounter deaths, among many that happened in Telangana during these two years stand out for their brutality and unbelievable fabricated 'evidence'. Even before a year passed since TRS came

to power, in April 2015, five Muslim youth, under trial prisoners alleged to be militants, but without any substantial evidence to prove the charge, were killed while transporting them from a jail to the court, 140 km away. There are many incredible holes in the story dished out by police but it was lapped up by obedient media. This first 'encounter' killing under the regime was so blatant that the police and the government concocted a cock and bull story where a person whose right hand was chained to seat was shown as trying to shoot a fire arm and police fired at him in self-defence. It is disgusting to see that very few voices were raised against this unashamed justification of a cold-blooded murder. The TRS government, with this one brutal act wanted to achieve at least three things: to appease Hindu communal forces and particularly Modi government; to send across a message of free hand to police elsewhere; and to terrorize the entire state.

This was followed by another killing by Telangana police in June in Chattisgarh crossing the borders and surpassing administrative jurisdictions. In a subsequent 'encounter' in September, a 24-year old M Tech student turned Maoist was killed in Telangana and her dead body had tell-tale signs of torture, rape, mutilation and burn wounds evidently caused by acid.

Similar is the story of Andhra Pradesh. On the same day when Muslim youth were killed in Telangana, Andhra Pradesh police killed 20 suspected wood cutters branding them as red sanders smugglers. All the victims were poor helpless laborers from Tamil Nadu who were lured by smugglers to cut and transport red sanders. The police intercepted them, brought into the forests and shot them down. While the smugglers enjoy patronage from all political parties and there are some smugglers who themselves are politicians, the poor job seekers were killed in cold blood to terrorize people.

When the right to life is taken away in such a brutal manner, violation of right to speech and expression and right to form unions cannot even be asked. There is a continuous onslaught on tribals of north-eastern part of the state as they are fighting against bauxite mining. The opposition of farmers to the forcible acquisition of their rich lands for building the capital, to satisfy real estate interests, was crushed ruthlessly.

To put it in a nutshell, a single police state of Andhra Pradesh that existed since late 1960s to 2014 has now given way to two police states, perhaps more coldblooded.

## Death penalty is not a punishment but revenge

**I**n India, constitution guarantees right to life with human dignity and believes to be fundamental right of every citizen. But on the other side, Indian state is killing the people in the name of punishment with the approval of judicial procedural system by stating that it is just to satisfy the conscience of the Indian masses. Therefore, it is judicial killing. So, death penalty is not only cruel but also inhuman and degrading. Its use is opposed everywhere in the world, for whatever may be the cause, it is unjust, unreasonable and can never be acceptable to a civilized society.

In India it is clearly exposed that death penalty is used against people who have been tortured into confessing; it is part of a shoddy criminal justice system and it is used in unfair or politically motivated trials. The Indian system is becoming so prejudiced that if there is any Muslim standing a trial he is conceived as a terrorist and deserve capital punishment. And if any person from other community stands on trial with similar charges, how much ever dangerous he or she may be, they are perceived to be nationalist, trial will go soft and at the end any punishment

against them will be out of question. This double standard of justice will be great threat to peace, security and life and liberty of marginalized sections of India.

Indian government used death penalty as a hideous political weapon and often used disproportionately against the poor, powerless and marginalized minorities, especially Muslims are soft target of dreadful politics of death penalty. Government is using this repulsive weapon against the individuals whom they want to eliminate and at the same front to silence the 'dissent'.

The death penalty is an irrevocable error, because all legal systems do make mistakes; as long as the capital punishment exists many innocent lives will be at the gallows. Death penalty should not be seen as punishment because it is always based upon revenge. More than 30 countries stopped the implementation of capital punishment but there are some countries including India, where the government and judiciary is very much interested to implement capital punishment in the name of collective conscience.

Capital punishment is a tool in the hands of ruling class of the country to eliminate their political opponents and to suppress the voice of the people. In India those who are victims of capital punishment most of them belong to Dalit, Muslim and Adivasi communities. Even former President of India Dr. APJ Abdul Kalam while addressing a seminar at National University of Law, questioned as to why always poor and socially backward classes people are the victims of capital punishment. As soon as Pranab Mukherjee took the charge of President of India, he started sanctioning the death warrant and it is a matter of surprise that the persons who were executed, were last in the list of capital punishment but were chosen to be executed only because they were Muslims. In India, capital punishment should be seen under the context of majoritarian upper caste hegemony. Supreme Court senior lawyers, rights activists, intellectuals and the highest body of Judiciary i.e. Supreme Court judge K.T. Thomas opposed the capital punishment by saying that "the capital punishments are judicial murders". Even Amnesty International in its report mentioned that among the large numbers of people hanged by the different countries, maximum of them are politically motivated killings.

Now the time has come to ask if there is a need for capital punishment. The laws of capital punishment and

sedition were made and introduced during colonial rule by the Britishers to protect their imperialism and to suppress the Indian freedom struggle. Even after the transfer of power from the Britishers, the then and the present Indian government is following the same legal system drafted during the colonial rule. Though once Nehru promised in the parliament that these colonial laws will be obliterated from the Indian legal system, but still they are continued and have been more empowered by introducing TADA, POTA, AFSPA, UAPA.

Supreme Court in its judgment while awarding death sentence to Azfal Guru said that "collective conscience of the society will only be satisfied if the capital punishment is awarded to the offender". Such Judgments cannot be delivered on the basis of 'collective conscience' and on the basis of 'faith of the majority community'. If at all the judgments are delivered on the basis of such things, then there is no meaning of Judiciary and the judicial procedural system will collapse completely. If the judgments are pronounced to satisfy the majoritarian hegemony, then the life of the oppressed as well as politically weak people will be under great threat. Under these circumstances, the only solution to save the life is to abolish the death penalty.



## Black money is the investment for Hindutva politics

**T**his time along with Hindutva agenda, NDA did mass campaign against corruption by Congress party and black money to come into power. They swanked themselves saying if we come to power we will eradicate corruption and bring back black money and distribute among the people. It is nearly two years after they came into power, but still it seems there is no difference between NDA and UPA, instead of eradicating corruption they are following the same kind of policies as Congress did and working as slaves to the World Bank and developed countries.

Second thing is, in our country BJP is the only party that has taken the 'middle class' into confidence, by taking up the issue of black money prior to elections which no other party was able to do. Black money did not come but our Prime Minister created record with his foreign tours (they can also make believe that all these foreign tours are for the benefit of the poor people only). Though these people could not do anything but with the leakage of Panama papers, debate started in our country as well as in foreign countries on Black money. International Consortium Investigative Journalists (ICIJ) analyzed 1.15 crore papers which

they received and exposed the Black money holders worldwide. 375 members of 76 countries were part of this investigation. The Indian Express daily of India was also part of the investigation by ICIJ. It has come to light that there are 500 Indian names in these Panama papers; but according to the information accessible to us, it seems that there must be names of more number of people in these papers.

In 2011 the Black money was 455 billion dollars which means 28 lakh crores, now it is estimated that this figure must be 50 lakh crores. Annually one lakh crore Black money is being moved illegally out of this country. Before elections, Anna Hazare and Baba Ramdev organized many meetings and conferences on corruption and Black money which got wide publicity in the media as well. BJP took advantage of this and hyped to distribute black money among the people and occupied the Delhi seat. From the time power came into their hands, Modi government did nothing but constituted SIT and washed off their hands. SIT investigated in detail and released 627 names of people who hold black money and handed over the list to the government. Surprisingly, government declared action against 60

people only among that list. Meanwhile 250 people accepted before SIT that they have accounts in Swiss Bank.

In fact, according to the economists all the Black money that is sent to the foreign banks is swag by evasion of taxes. Globalization, liberalization and the culture of 'quid pro quo' with the economic policies are also the reasons for the growth in black money. That is why it is well known that the people who are in the list of possessing black money are political party leaders, tax evasion parties such as big industrialists etc. there is also the impression that these are the people who are sending illegal wealth through hawala transactions to the foreign countries and the same wealth is turning to our country as foreign investments.

This wealth belongs to the people of this country. This wealth should be brought back and need to be utilized for the development of this country. Dr. Ambedkar says, money also has caste in our country; that is why with the release of names it will be proved that all the black money holders belong to upper castes. For example the names revealed by the Panama papers belong to which caste?; what is the caste of 'will full defaulter' Vijay Mallya who borrowed loan of 9000 crores and safely went away to the foreign country and claims no one can do any harm to me? There is no need of any big investigation in this matter; all these people belong to Brahmin, Baniya and Kshatriya castes. The state itself is protecting

them that is why even after knowing that holding black money is itself crime, sending the black money through hawala to the foreign countries is much more serious crime, they are doing all this even after knowing because they are confident that nothing will happen to them.

The Directive Principles ensures that, 'the state(1) shall strive to promote the welfare of the people by promoting a social order in which social, economic and political justice is informed in all institutions of life. Also, the state shall work towards reducing economic inequality as well as inequalities in status and opportunities, not only among individuals, but also among groups of people residing in different areas or engaged in different vocations'.

In our Constitution, Article 39c says that, 'the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment'. It is the responsibility of the government to see that the wealth is not stranded, and it should strive to bring back the black money and punish the holders of black money as per the law otherwise it will be disrespecting the Constitution. The political parties of our country that are receiving the money are also part of this. In the year 2014-2015 according to the data released by ADR named political Analysis organization it is the BJP that holds the highest amount. This year it is in forefront with 355.54 crores of revenue.

## Hindutva attack on higher educational institutions and Universities

**H**igher educational institutions and universities are the places of teaching, learning, innovations, and building/developing ideas etc. In other words it is a place where the shaping and making of new leaders, philosophers, reformers, scientists, economists etc. take place for the future generations. The universities and other higher educational institutions comprise of students from different communities and regions and also from different backgrounds such as social, economical, religious etc.

Our country has crossed 65 years of independence from colonial rule but still our minds are not independent. The recent developments in our country reflect this situation that Hindutva fascism has taken the place of colonial imperialism and is dominating every walk of life. Rohit vemula's tragic death has shown mirror to the whole world as to how ugly the social system of our country is! It also shows that one particular ideology i.e. upper caste brahmanical system is dominating higher educational institutions and universities. The educated youth of this

country after facing acute discrimination based on caste and religion, finally came to the conclusion that still we are not free. They want liberty from untouchability and discrimination which exists in different forms, be it caste/religious/social/economical/political or educational.

After the BJP came into power, all the educational institutions be it the secondary schools, the higher educational institutions or the state and central Universities, the whole educational system has been under attack. The school syllabus is being changed by prescribing anti-Muslim history thus distorting the rich history in the worst form. The majoritarian culture of chanting 'vande mataram', 'bharat mata ki jai' etc. is being forced at the secondary school level. The non-NET fellowships to central universities scholars have been cancelled by the UGC which works under MHRD, thereby bringing the students studies at stake. When the students started protesting against this decision of UGC, the five students of UoH were suspended and socially boycotted from the University and their fellowship

amount cancelled. The reason for this punishment was told that the students are organizing anti-national activities in the campus. In this struggle to withdraw the punishment and injustice meted out to these students, one student was forced to take his own life, which was called institutional murder by the fellow students. As the protest against this death spread all over the world, to divert peoples' attention from this issue, the students of JNU were charged with sedition and sent behind bars. Along with this, students at many universities and other higher educational institutions faced such wrath of Hindutva fascism. Hindutva terror unleashed the whole country. Whoever dares to question Hindutva fascism, face all kinds of threats. In this manner, one after other incident of discrimination and cruelty continues against the students and scholars of the educational institutions.

From the past four years, we are witnessing continuous cases of discrimination at the higher educational institutions. The students have been targeted for their freedom of expression at the universities; this has started with the English and Foreign Languages University (EFLU), Hyderabad. From the time the present vice-chancellor had taken over the charge, the students who are active in the university have been singled out and targeted. The university became a

place of kingdom with an autocratic ruler. So many irregularities by the administration were reported by various newspapers. Not only students, but teaching and non-teaching staff were also threatened with dire consequences. With transfer of one Group-A employee, and suspension of another officer from the university, the administration took over all the lives of the university community into its hands. No one dared question or raise any doubt on any irregularity or injustice. Three students were rusticated, few were suspended and many others were given show-cause notices merely for silly reasons. For every small reason, students are threatened of sending them to police station, or else police is called to the campus and the campus is turned into police camp. Similarly, a PhD scholar from Kashmir was handed over to the police authorities, he was made to sit in the police station for few hours; unable to bear the mental harassment meted out to him by the university administration and police, Mudassir Kamran was forced to take his own life. Another tribal student was harassed by a Brahmin professor in such a cruel way that he went into depression and later into coma. With lot of difficulty he could come out from such a horrible situation. Three students were rusticated for their activism in University. Among them, one student had to leave the university; the other



two scholars continued their fight against the administration. After pressure was built from outside the campus by the intellectuals, PhD thesis of one scholar was accepted but the second one is still struggling to submit his research work; even though the rustication period is completed, it was extended to one more semester and now after completing that period also, he is not allowed to submit his thesis. As this university is located in the Osmania University campus on an area of 33 acres of land, taken on lease, there is no much news in the mainstream media about the injustice and irregularities in the university. The irregularities and injustices are in continuation, the present examples are two teachers were given show-cause notices and a research scholar, Koonal Duggal who was dragged out from the university campus on the day of Ambedkar Jayanti celebrations without giving any reason or explanation.

Though the cases of harassment and caste discrimination are reported often, there have been 10 suicides in over ten years in different central universities. But the injustice, intimidation, discrimination has spread rapidly from the past four years. Coming to the case of Hyderabad Central University (UoH), it is not far behind. Not only the caste discrimination but also communalism is at its peak level now at this

university. Untouchability and caste discrimination are practiced at this university in various modern methods. The present VC is the puppet of the present central government HRD ministry. He is not only the destroyer of Rohit Vemula but in past also he was behind the death of Senthil Kumar, a PhD scholar from a micro dalit community. After taking the life of Senthil, his thirst for blood of dalits did not fulfill, so now as VC, he continues to take more lives and quench his thirst for dalit blood. Proving that Rohit was not SC became more important than providing justice for Rohit. When the students were protesting against this injustice and killing of Rohit Vemula, the UoH campus was filled with police personnel, the police was given free hands to behave as per their whims and fancies. The students were beaten blue and black; the girl students were abused in all kinds of foul language and were even threatened of rape on them; the Muslim students were tortured due to their names and labeled as terrorists and anti-nationals. Even the teachers of UoH were not spared; they were also dragged, beaten, abused and put behind bars. The people behind the atrocities against the students of UoH are the activists and leaders of ABVP & BJP, the Vice-Chancellor, one Union minister and HRD minister. All these bunch of people belong to the school of Hindutva fascism. It is worth to mention here, the intensity of

untouchability is very high at UoH, one can imagine it with this fact that, a well is dug for a Brahmin professor in the university quarters where he stays and it is exclusively for his use, no one can dare to touch the water of that well.

To divert the attention of common people from the UoH issue, focus was turned towards JNU, New Delhi. The students at JNU also faced attacks and then cases slapped against them for organizing protest programmes with the proof of doctored videos. Student's union leader Kanhaiyya Kumar and many others were slapped with sedition charges. Kanhaiyya Kumar, Umar Khalid and Abirban Bhattacharya were arrested on these charges. Later based on High Level Enquiry Committee (HLEC), JNU administration took action against the students such as rustication, debarment from the varsity and imposition of fines and restriction of entry to ex-students. Even though the case is pending in the court, the university administration has gone ahead and announced punishment to the students. Protesting against this decision of the administration, students started hunger strike demanding to take back the fine and punishment meted out to them. Meanwhile Academic Council meeting took place in the varsity and the committee members wanted to discuss the matter of hunger strike by the students as it was very important

because students' health was deteriorating and becoming serious. But the Vice-Chancellor denied discussing the matter saying later it can be discussed as it is not serious matter. With the force of the members to discuss on priority basis, VC adjourned and left the meeting. Such is the arrogance of VC. Now, the Delhi High Court has put on hold the disciplinary action by the JNU till the students appeals against the order is heard and decided by the varsity's appellate authority.

The above are the incidents which have been reported widely by the media. Apart from this, there are number of incidents that have taken place all over the country, which have gone unreported by the media and ignored by many. In the year 2014, the attacks on Muslim and Dalit students at Osmania University continued: five Muslim and Dalit students were beaten blue and black by the ABVP goons; another Muslim student was kidnapped, beaten and forced to leave the campus, so that his absence makes way for an ABVP student to take admission; on another occasion a Dalit student Badri was beaten because he did not attend puja. Ravi, another Dalit student was attacked as he did not join them in rally. A research scholar and student leader, Naliganti Sharat's room was burnt to ashes by these ABVP goons as they did not have guts to attack him physically.

67 students of Swami Vivekanand Subharti University in Meerut were suspended and asked to leave the campus. Three Kashmiri students were abused, assaulted and named terrorists at a private University in Noida, which was condemned strongly by the Chief Minister of Jammu & Kashmir. Eight Kashmiri students of Global Research Institution of Management and Technology, Haryana were beaten and abused by the locals.

In the year 2015, ten Kashmiri students of NIMS University, Rajasthan were detained by the police; due to this fear many other students left the hostel. Again in Kanpur institution few Kashmiri students were attacked by the locals. In the year 2016, Students of IIT, Chennai & Pawai were also attacked by the ABVP goons. A student of Palamuru University, Telangana was attacked brutally by the ABVP goons. Female students were molested by the ABVP activists at Jadavpur University during the screening of a film. There is endless list of attacks by ABVP, RSS, BJP fascist forces on the students in different parts of the country.

A country which claims itself as a largest democratic country of the world and secular by nature, its constitution has given equal rights to each and every person, irrespective of caste, race, region, religion, sex etc. Practice of such caste discrimination and communalism will weaken the nation

and lead to disaster. But the BJP and the hindutva parties and associations are least bothered about the welfare and development of the country. Instead, they want to turn this country into a Hindu Rashtra, which is nothing but collapse of the nation. They are well aware of this fact, even at the cost of this, they want to fulfill all their bad deeds into reality, because they can never come back to power and will never get this kind of opportunity to create and spread hatred and communalism among the different communities as they never love their country, they love only their Hindutva agenda which follows the British policy of divide and rule.

For the ongoing discrimination and attacks on the students and scholars at the higher educational institutions and universities, it is not only the university vice-chancellors, the ministers, the police responsible but also the Dalit leadership is equally responsible as they are sitting in the lap of the Hindutva fascist forces and became tool in their hands. In such circumstances, there is a need to build a massive mass movement to fight against the mighty Hindutva fascist forces. It is time to oppose, condemn and wipe out this Hindutva fascism which is making this country hollow from inside. Even if at this need of time, people do not rise; their human rights and civil liberties would collapse in near future and remain as myth in India.

## **Declining Child Sex Ratio in India with reference to Telangana and AP**

**I**n India the child sex ratio has been decreasing day by day and the evidence is the population Census. We can easily make out the decreasing number of girls in the child sex ratio especially from 0-6 age group. By this trend we can say that India is moving towards gender imbalanced society. In 1990's Amartya Sen had written an article (more than 100 million girls are missing) on female sex ratio where he said that, "a great many more than 100 million women are "missing." These numbers tell us, quietly, a terrible story of inequality and neglect leading to the excess mortality of women."

In south East Asia this is prevailing and more so in China and India. In North India especially in states like Punjab and Haryana this phenomenon is more prevalent. But it is slowly spreading to whole India including

Andhra Pradesh. If in India the child sex ratio is 916, in Hyderabad it is 914 which itself tells the alarming situation of child sex ratio. In Telangana the child sex ratio (CSR) is 933 girls for every 1000 boys and in Andhra Pradesh the CSR is 944 in 2011 compared to 961 in 2001. If we see the 0-6 child sex ratio it is drastically decreasing in various districts of Telangana and AP. 1991 census shows that in Telangana the child sex ratio of 850-899 girls for every 1000 boys was in only one mandal but increased to 49 mandals in 2011 census. In the same way in Andhra Pradesh as well in 1991 census the child sex ratio of 850-899 girls for every 1000 boys was only in 8 mandals but increased to 58 mandals in 2011 census. This itself explains the grave situation in both the states.



### Child sex ratio (0-6) in AP and Telangana:

S.No	Telangana census data				AP census data			
	District	1991 Census	2001 Census	2011 Census	District	1991 Census	2001 Census	2011 Census
1.	Hyderabad	963	943	914	Y.S.R.(Kadapa)	968	951	918
2.	Warangal	972	955	923	Anantapur	962	959	927
3.	Nalgonda	981	952	923	Chittoor	970	955	931
4.	Mahabubnagar	1008	952	925	Prakasam	969	955	932
5.	Rangareddy	972	959	933	Krishna	964	963	935
6	Adilabad	986	962	934	Kurnool	955	958	938
7	Karimnagar				Sri Potti Sriramulu Nellore			
		981	962	935		970	954	939
8	Nizamabad	979	959	948	Guntur	969	959	945
9	Medak	981	964	952	Srikakulam	986	967	954
10	Khammam	981	971	958	Vizianagaram	996	980	960
11					Visakhapatnam	985	976	961
12					West Godavari	984	970	964
13					East Godavari	994	978	968

Courtesy: Census 2011

### Census data

Before independence Female infanticide and feticide was abolished in North India but it was prevalent among few families like Rajputs. After independence, Maharashtra had enacted a law to abolish sex selection. In 1994 India enacted a law which was amended in 2006 as Pre Conception Pre Natal Diagnostic Techniques Act. But from 1994 the implementation is close to zero which resulted in the Public Interest Litigation (PIL) and the outcome was the amendment of the law. Moreover until government shows any interest in its implementation, it cannot be executed; as the main features of the Act are prohibition of sex selection before and after conception, regulation of Pre-natal

diagnostic techniques like amniocentesis, ultrasonography etc. for detection of the genetic abnormalities by restricting their use to registered institutions. Preventive steps have to be taken to stop misuse of the techniques for sex selection before or after conception. Any advertisements of any technique for sex selection as well as sex determinations have to be prohibited. Sale of ultrasound machines to the persons not registered has to be prohibited. If the government shows interest, strict monitoring can be done which will help in implementation of the Act in better ways.

In Olden days the female babies were killed after their birth (infanticide) by various means like dipping them in

hot water or milk, putting rice grain in their mouth, putting the baby girl in gunny bag etc. But as the technology improved the technique which was created to identify the abnormalities or diseases in the baby before the birth started getting misused and used for mostly in identifying if the baby is a girl or a boy. As the technology improved, modern techniques are invented to identify whether the baby is a girl or a boy.

It is a crime to inform about the sex of the baby according to the Act. In this crime there are two culprits. One is the families who seek sex selection and sex selective abortion services and the second and most important is the doctors and the medical practitioners who use this facility to either commit or aid in the commission of the sex selection and sex selective abortion.

One thing doctors say is if the baby girl takes birth the life for her and her parents will be difficult; the girl's life will be full of hardships and violence will be meted out against her. And if she does not take birth there will be no problem. But it is a myth and false propaganda to earn some extra bugs by the doctors.

One more myth is also prevalent that is if boys are there the family lineage will be continued and parents will get salvation, which is proved

wrong, one example of this is the last rites of the parents are performed by the daughters like film actress Sridevi and politician Renuka Chowdary, she has performed last rites of her parents. The other reason for not having girls is for the need to give dowry to them. Citing above reasons the girl child is killed in the womb itself or killed after the birth which violates the right to life of the girls which is against the constitution of India which says that there should not be any discrimination on the basis of gender.

And if the girls are less in the society it leads to chaos. There will be drastic impact as follows:

1. All type of violence will increase including domestic violence as there will be few girls left.
2. There will be no brides to marry as a result many men will marry one woman which will lead to uneven society.
3. There will be increase in trafficking of females and prostitution (will increase).
4. There will be increase in sexual offences against girls and women
5. Women will become a commodity which will be sold in the market.
6. There will be decrease in the social and economic mobility of the

women.

There are many advantages for having a baby girl. Traditionally girl is treated as wealth (lakshmi) in the house. She has the potential to create new life which only God has the power. So now is the time to think if we want a girl child or not.

On one hand there is right of the girl child to born and for that there should be check on the sex selection of the baby in the womb and on the other hand there is right of the women to decide on the abortion if she does not want a child under Medical Termination of Pregnancy Act. Women have right to abortion and this cannot be misunderstood that she will not have right to abortion. Access to safe and legal abortion for women is limited and this environment of the misunderstanding will not improve things.

Until the 2011 census were revealed there was no implementation of the PNDT Act in the state as all the committees and appropriate authorities were literally sleeping. After 2011 census came out, various organizations built pressure to constitute committees and proper authorities. But after that due to state bifurcation it took two more years for the state to form committees and suitable authorities. Even the scanning centers are not monitored

frequently as said in the Act. Before 2011, only 31 cases were filed in Telangana and AP under PCPNDT Act and after the census was out 29 cases were filed during 2012 - 2013. Among these cases only ten percent of cases have been disposed of until now.

Though we have laws at national level and conventions at international level, the child sex ratio has been decreasing consistently in the last three decades. There is a need for strict implementation of the laws which include bringing awareness among people about the law and proper implementation by the government. There is also a need to change cultural practices of preferring son and degrading girl child in the families. The government has introduced some schemes like Ladli, Bangaru talli for the protection of the girl child but for accessing that schemes birth certificate and other documents are necessary and for the people in the grassroots it is difficult to get all the documents and they will end up not accessing the schemes. Government even have introduced 'Beti Bachao, Beti Padhao' scheme for the protection of the girl child but along with it government should provide free education for the girl child until PG to make them confident and prepare for the future and change the mindset of the society towards girl child.

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### **PRESS NOTE**

One year of Cold blooded murder of five Muslim under trial prisoners -  
Justice denied

Rule of Law dismantled by its very Guardian institutions

Demand for justice and punish the culprits

Chief Minister should fulfill his constitutional responsibility

**C**ivil Liberties Monitoring Committee wants to remind all the concerned citizens, the state and the media that one year is completed for the brutal killing of five Muslim under trial prisoners in the name of encounter at Aler town of Nalgonda district of Telangana state. The family members of the victims are struggling every day to reckon with the reality of how the whole state machinery conspired to deny them basic legal rights. But still they are waiting for the justice to their loved ones who were killed in the encounter.

To remind you all once again, on 7th April 2015, five Muslim under trial prisoners namely Viqar Ahmed, Syed Amjad, Mohd. Zakir, Dr. Mohd. Haneef and Izhar Khan who were lodged in the Warangal central prison, were being brought to be produced before Hon'ble VII Asst. MSJ Court Nampally,

Hyderabad. They were killed by the escort police on the way at the Aler town. All the five deceased under trails were handcuffed and chained to their seats as was evident from the images and videos of the encounter site.

In the immediate aftermath of this brutal killing the family members of the victims and the Civil Liberties Committee made representations for registering a case u/s 302 of IPC against the police personnel for opening the fire on helpless prisoners and also demanded for the Judicial Magistrate investigation u/s 176 (1) (A) of Cr.P.C.

The newly formed Telangana state has become a police state. The Chief Minister of Telangana Mr. K Chandrasekhar Rao who had given many assurances to the Muslim community during the movement has turned off his promises. Instead of



fulfilling his promises for the upliftment and development of the Muslim community, five Muslim youth who were under trial were killed by his police in a gruesome manner. After this killing, question was raised in the Assembly, the CM answered that the Assembly would discuss this issue in a detailed manner but one year has passed, Chief Minister does not have time to discuss and he did not fulfill his promise. The TRS government has taken 'U' turn on the promises given to the people of Telangana. The KCR government did not even initiate judicial magistrate enquiry u/s 176 (1) (A) CrPC. On the other hand, in an atrocious move Chief Minister, K. Chandrasekhar Rao led TRS government ignored the demands; instead the state itself registered an attempt to murder case against the prisoners who died in the police firing.

The enormity of impunity enjoyed by the guilty police officers can be understood by the act of the government of issuing a G.O. to form an SIT in which they described the murdered under trails as 'terror operatives' (none of the victim was ever convicted in any case). The G.O. which was supposed to appoint a Special Investigation Team for investigation also jumped to its conclusion that 'five terror operatives were killed in exchange of fire, when they tried to

snatch weapons from the escort party and opening fire at them', government mockingly handed over the so called investigation to a police officer with dubious credibility. In this manner, the Telangana police is given free hands to suppress the innocent people; the tainted police officers are given awards and rewards in this state. There is total impunity on police brutalities.

The five Muslim youth killed were under the custody of judiciary, it was the responsibility of the judiciary to protect them. But even the judiciary failed in this matter. And not only this, the judiciary did not even take serious note of this brutal killing; it should have taken suo motu and ordered for enquiry under section 176 (1) (A) of Cr.PC which is mandatory as per Supreme Court and NHRC guidelines for the encounter killing by the police. But this has not happened. The family members of the victims and the Civil Liberties Committee approached the High Court through Writ Petitions No. 12453/2015, 10759/2015, and 12855/2015 in the hope that justice will be done. But sadly in this particular encounter case the judiciary did not give any hope of justice, disregarding justice even basic hearings have been denied. Moreover, such a serious crime by the police is dumped by the judiciary. This shows the double standard of not only the police, state but also judiciary. If

justice is denied by the judiciary, where will the victims go and how will they get justice.

Even the National Human Rights Commission and the National Commission for Minorities has not taken this matter seriously. The National Commission for Minorities (NCM) did not take this case as suo motu and did not even respond after sending reports and requests to take up this issue in the greater interest of justice. The National Human Rights Commission has taken it as suo motu but failed to issue any direction to the state. On the other side National Human Rights Commission has taken serious note of the encounter killing of 20 woodcutters in Andhra Pradesh, it has sent investigation team, and also issued directions to the state; likewise the High Court of Hyderabad also issued the order to the state, and is hearing this case every week.

The role of Muslim ruling class is highly condemnable. They have completely failed at the time of crisis to fulfill their responsibility by using political pressure on the government of Telangana to provide justice to the victims of the encounter killing. People of Hyderabad are in great shock that even though Muslim political class is powerful they did not save the youth of their community. The community is even more concerned that even after

the completion of one year of cold blooded murder; the Muslim political class has failed in getting justice to the families of the victims. As per the victims family version, they were active and in forefront till the completion of funeral of the encounter victims and then slowly disappeared. It is strongly believed that from Makkah Masjid bomb blast to Aler fake encounter, Muslim political class of Hyderabad did not act as per the demand of the time. Now they are maintaining silence on this issue and have forgot that 'silence is violence'.

Muslim minority's emotions are high, their confidence has been shaken and they strongly believe that neither the government, the judiciary nor the Muslim ruling class are not serious to provide the justice. There is double standard of justice in the court and even in National Human Rights Commission. This committee also feels that it is impossible to get fair justice from this government and state judiciary. Under these circumstances, this committee appealed to the Hon'ble Chief Justice to intervene into this matter and provide speedy justice to uphold the confidence of the people on judiciary. We requested the Chief Justice of Apex Court to take this matter as suo motu PIL in the greater interest of justice. But that also has not worked out.

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# Civil Liberties Monitoring Committee. India

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## PRESS NOTE

Nine years of Makkah Masjid bomb blast and subsequent police firing

Justice still denied

Demand to punish the criminals of bomb blast and police firing

Civil Liberties Monitoring Committee reminds the people that on 18th May 2007, two terror attacks took place on Muslims; one was the bomb blast by Hindutva terrorists and another police firing on the innocent people at Makkah Masjid. In this, many people died and hundreds were injured. Media played an ugly role in defaming and blaming the Muslims for the blast and police firing. Nine years have been completed for these terror attacks. It is exposed and proved that Hindutva terrorists and anti-Muslim police are behind this, but no action has been taken till date.

Civil Liberties Monitoring Committee express its grave concern over the inaction of the government of Telangana as well as Indian government and its agencies for not taking any interest to bring the criminals under justice, even though the criminals have openly admitted their involvement in this terror attack. It is because the victims are Muslims and the criminals are Hindutva

terrorists; this is the reason that they are being shielded and protected. It has been proved that all the blasts that took place across the country have been carried out by the Hindutva terrorists. After the Hindutva government coming to power, the Hindutva terrorists have anyhow got the free hands; the investigative agencies are now defending the blast criminals and giving them clean chit saying there are no proper evidences to prove that they are behind the blasts. The example is the criminals of Malegaon bomb blast who have been given clean chit by the NIA under the pressure of Hindutva government.

As far as Makkah Masjid bomb blast, which is a typical type of terror attack, so many factors are involved. It should always be kept in mind that immediately after the blasts, police opened the fire on the victims of the blast itself. Hindutva minded police officers tried their level best to defame Muslim community through media; detained, harassed and tortured

hundreds of Muslim youth and then pressurized them to take the responsibility of bomb blast at Makkah Masjid. In the Makkah Masjid bomb blast the role of police is very much suspicious because at the time of blast Hyderabad police was dominated by Hindutva mindset officers and another factor is, it was the time when the Sohrabuddin encounter case was going on very seriously in which the role of Hyderabad police officers is suspected. The bomb blast and the subsequent police firing must be a reason to divert the people's attention from the Sohrabuddin fake encounter by the Gujarat and Hyderabad police. Instead of taking any action against the guilty police officers, they have been given awards, rewards and promotions on the key posts by the Telangana government.

By taking the advantage of this blast, police targeted the Muslim youth by terrorizing and harassing them. Hundreds of youth were detained illegally, tortured and later 30 Muslim youth were shown arrested. The State Minorities Commission appointed advocate Ravichander as Advocate Commissioner to look into the matter of detention and torture. In his report, Adv. Ravichander mentioned that the police brutally tortured the Muslim youth and categorically stated in his report S "If you have tears, prepare to shed them now." He recommended that the government should compensate and rehabilitate those youth.

The non-seriousness of government can be imagined with one single issue i.e. Adv. Ravichander's report on torture as well as Bhaskar Rao commission report on police firing that have not been presented in the Assembly to date. It is a matter of deep concern that even the Muslim leadership is maintaining silence and never reminded nor demanded the government to present these reports in the Assembly for discussion and implementation of its recommendations. By providing meager amount of money in the name of compensation, the government thinks that it has fulfilled its responsibility. But, CLMC demands that compensation is not justice. Government has not taken any initiative to provide justice even after the completion of nine years of Makkah Masjid bomb blast and subsequent police firing. The demand of justice is that, first of all the government should withdraw all the cases registered on Muslim youth in connection of bomb blast in the year 2007; these cases are still open. The Hindutva terrorists and tainted police officers should be brought to justice.

The matter of fact is that Makkah Masjid blast and police firing is a forgotten case. The government, investigating agencies and the Muslim representatives never speaks about it and escaping from fulfilling their responsibility to provide justice to the



victims of Makkah Masjid bomb blast, police firing and the victims of police torture. Though this case is forgotten by the government and ruling classes, the common people of Hyderabad can never forget it; these wounds inflicted on Muslim community are very deep. Only justice can heal the injuries caused.

### **Civil Liberties Monitoring Committee demands the government to:**

1. Punish the Hindutva terrorists involved in the Makkah Masjid bomb blast.
2. Punish the tainted police officers involved in the subsequent police firing and torture of Muslim youth.
3. Close all the cases registered on Muslim youth in connection of blast in the year 2007.
4. Provide justice to the victims of bomb blast, police firing and police torture.
5. Present Adv. Ravichander report on torture and Bhaskar Rao Commission report on police firing in the Telangana State Assembly and implement the recommendations mentioned in these reports.

**Lateef Mohammed Khan**

Gen. Secretary

*After 29<sup>th</sup> Page .....*

### **Therefore this committee demands the following:**

1. Demand to CM of Telangana K Chandrasekhar Rao to take immediate action before the time slips off from the hands! Once the time slips away, the name of the first CM of Telangana would be written in black letter in the history. Because he played the role of silent spectator on the brutal killing of Muslim youth.
2. Demand for enquiry u/s 176 (1) (A) of Cr.PC which is mandatory as per Supreme Court and NHRC guidelines.
3. Demand to register case u/s 302 of IPC against the policemen involved in the killing of five under trial Muslim prisoners.
4. We demand the Chief Justice of Telangana High Court to list the matter on the first priority basis and fulfill his responsibility to provide justice to the victims' families.
5. We demand Muslim political class should open their mouth and speak for the community they belong to as they stood for the other backward communities.

**Lateef Mohammed Khan**

Gen. Secretary