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Weeks after the serial bomb blasts in a number of court premises in UP, a Calcutta Electricity Supply Corporation (CESC) employee, Aftab Alam Ansari, was picked up from Kolkata by the CID branch of West Bengal Police. He was handed over to Special Task Force of UP Police and framed as one of the main accused behind the serial blasts.

He was tortured for 22 days that he spent in police custody after his arrest on December 27, 2007 in order to make him confess that he was Mukhtar alias Raju, resident of Malda district in West Bengal, and had Rs 6 crores in his bank account.

Aftab had a valid identity card of CESC, a medical card, a service card as well as other valid identity proofs on the basis of which the courts pronounced him innocent — but the police did not care and never acknowledged this till court came to Aftab's rescue. This clearly indicates that his arrest was motivated.

To add insult to injury, Aftab along with other arrested members of the Muslim community, was subjected by a section of the press in UP to a malicious campaign where they termed him and other arrested men as terrorists rather than accused awaiting trial in court. Such trial by media is not only unethical but also violates the basic ethics of responsible and fair journalism.

The grim reality is that but for the combined and persistent efforts by his mother, lawyer, some conscientious journalists and People's Union for Human Rights (PUHR), he would have been left to rot in prison and could never have been declared innocent and set free by the court.

The Jawaharlal Nehru University Students Union in conjunction with the Forum for Democratic Initiatives as also Aftab's lawyer, Mohammed Shoaib are demanding compensation from concerned authorities for falsely implicating Aftab in a case of such manipulative nature. Upon meeting with the Chief Minister of West Bengal, Buddhadeb Bhattacharya, Aftab was promised a compensation of Rs 80,000 as per demand made by him. Yet only Rs 30,000 was sanctioned to him.

The groups supporting him are calling for an end to witch hunting against minorities in the name of security. They

'M' for Murder?

Aachal Khurana

Back from the brink a Kolkata power corporation employee, Aftab Alam Ansari, points to a new trend through his own case where police indiscriminately picks up Muslims to brand them as terrorists as they are becoming an easy prey to the whims of the world,

make a strong plea for withdrawal of draconian laws like the TADA and POTA as they give undue impunity to police that exercise arresting powers in a random and unfair manner.

As per provisions of section 197 of the Criminal Procedure Code (CrPC), prosecution of State and Central government officials requires permission from the concerned State or Central government. Yet the question is, if everyone is equal in the eyes of the law, why should anyone get immunity from prosecution on violating the law? Moreover, it is required of the central government in view of Aftab's case, to intervene and take suitable action against guilty police personnel of UP and West Bengal.

Sections 330 and 331 of the Indian Penal Code (IPC) make it a penal offence to cause hurt to a person in order to extract a confession, and in Aftab's case these should be used to punish the police officials responsible for committing atrocities.

This pattern of mindless arrests for the sake of branding innocent persons as terrorists and resorting to illegal relentless torture seems to be the latest trend that police has been set on to where release of the accused is exceptional and possibly only when hell were to freeze over. In case they ever succeed in being proven innocent, any redressal or compensation is seldom granted for the brutalities faced by them. Seldom are the perpetrators (police personnel responsible) ever punished or even held accountable even after their conspiracy is exposed. Never is this followed by an apology despite the shabby treatment of victims who in all likelihood would have to live with a life-long

fear. The social stigma continues to make them suffer, in case of Aftab his incarceration led his sister's wedding proposal to fall through. It was simply heart-breaking to see Aftab break down as he spoke of how his sister had to suffer. "They didn't want to bring a terrorist's sister in the family." What couldn't escape my notice was the peculiar intensity in Aftab's stare — one so fiercely fervent than that seen in most people we encounter in our day-to-day meanderings.

In the backdrop of the debate around India ratifying the UN Convention Against Torture, it seems highly unlikely that it will amend the existing provisions in the law that is essential for incorporating the mandate of the CAT. In light of these existing draconian laws, the UP Bar Council passed a resolution banning any lawyer from taking up cases involving "suspected terrorists". This repudiates their basic right to legal aid.

If looked at carefully, these unlawful practices can be interpreted as supportive of the mass genocide or ethnic cleansing and the state sponsored terrorist profiling targeting Muslims in the era of the war on terror in the aftermath of 9/11 WTC attack. Muslims are an easy target nowadays worldwide with their public image being tarred now in India too and that too, in an unjustified manner.

While the case of the violation of human rights and dignity of Dr Haneef sparked a furore a few months back in Australia and elsewhere courtesy international media and human rights organisations, in a secular country like India where Muslims outnumber those in Pakistan, this could hardly become an issue, not to speak of it getting the kind of fair treatment that it deserved, courtesy an indifferent media.





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