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COMMUNALISING LEGAL SYSTEM

## Victims of 'War on Terror'

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**I**N A DEVELOPMENT OF FAR-reaching and frightening implications for the stature of the Indian judiciary, Bar Associations in several parts of the country are effectively banning advocates from defending Muslim youth branded as 'terrorists', many of them who may well be wrongly accused. A chilling indicator of how deeply-rooted anti-Muslim prejudice has now become.

The Bar Association of Dhar, a small town in Madhya Pradesh, is a case in point. Taking the law into its own hands, it has declared that no local lawyers can defend terror-accused—all Muslims, incidentally. Yet, no action has been taken against this patently illegal declaration. Says advocate Noor Mohammad, who was viciously physically assaulted by lawyers in Dhar who sought to prevent him for taking up the case of a Muslim who he says has been wrongly accused of running a terrorist-

training camp in a jungle near Dhar. 'This is an alarming development, an indication of how widespread Hindutva sentiments have become. They indiscriminately brand Muslims as terrorists and presume them guilty even before proper investigations have been made. At the same time, no action is taken against the RSS when it openly declares that it will take up arms. It's as if India's laws do not apply to them.'

In April 2008, Noor Mohammad travelled to Dhar to defend the accused, but at the gate of the court he was assaulted by a group of lawyers and activists of the BJP youth wing and was badly beaten up. 'I told the judge about this', he says. 'I told him that the life of the accused might also be in danger and requested that the case be transferred elsewhere. The judge told the lawyers who were beating me to leave the court premises. He repeated this three

times but they refused to listen. Instead, they kept laughing, as if to say that they had no respect for the court....' To add insult to injury, when he approached the local police, they threatened him. 'They told me that I must say that I don't want to take any action against the lawyers and that I was not hurt.'

When, some days later, Noor Mohammad returned to Dhar he was again beaten up by BJP youth activists, this time so badly that he fell unconscious. 'A Hindu boy helped me by putting me into an auto-rickshaw and taking me to the police station. The hapless local Muslims are just too terrified to speak out, fearing that they will be branded as terrorists or terrorist-sympathisers if they do', he says.

The same fate befell Lucknow-based lawyer Muhammad Shoeb, who has taken up seven cases of Muslims accused of being terrorists across Uttar Pradesh—in Rampur, Lucknow, Barabanki and Faizabad. 'The Faizabad Bar Association declared that no lawyers would be allowed to defend any terror-accused, and so, when I travelled to Faizabad to take up the case of Maulana Hakim Muhammad Tariq Qasmi, who has been accused in some terror-related case, I was badly beaten up by lawyers inside the court. The judge said nothing and the police refused to register my complaint,' says Mr Shoeb. 'They are trying every means to sabotage the judicial system', he goes on, 'but I will continue fighting the cases I have taken up despite their efforts to intimidate me.'

Muhammad Shoeb believes that in scores of cases across the country, Muslim youth have been deliberately and wrongly implicated by the police in acts of terror. 'As I see it, Hindu communalists and powerful elements

in the state apparatus are hell-bent on unleashing such terror on Muslims that they are actually forced to take to terror so that, in this way, they can justify a concerted campaign to clamp down on the entire community', he says. While, as in Faizabad, several Hindu lawyers are firmly behind the local Bar Association's decision not to allow any lawyer to defend Muslims accused of being terrorists, he says that some Hindu lawyers have supported him in his struggle. 'Many of them are just too scared to speak out though', he points out, 'although when I organised a press conference at the Uttar Pradesh Press Club in Lucknow, some Hindu lawyers came to express their solidarity. A Hindu lawyer and I are jointly fighting the case in Barabanki involving Maulana Tariq Qasmi and Khalid Mujahid.'

Noor Mohammad and Muhammad Shoeb were among the several Muslim victims of the state's 'war on terror' who came to testify recently at a public hearing organised by a group of reputed human rights' activists at Hyderabad. At the hearing, numerous other Muslims related similarly harrowing tales of being persecuted by the police and by the state, besides Hindutva forces, of being wrongly branded as 'terrorists' and of being falsely implicated in terror-related cases.

The situation is equally grim in states ruled by the BJP and the supposedly 'secular' Congress. Says Latif Muhammad Khan, a social activist from Hyderabad, 'There has been an alarming rise in fake encounters in Andhra Pradesh, where innocent Muslims, Adivasis and Dalits are being gunned down by the police in the name of countering terrorism and Naxalism, who are then rewarded for this. Deliberate attempts are being

made to destroy Muslim identity. For instance, Maulana Nasiruddin from Hyderabad has been languishing in a jail in Gujarat without any trial—his only 'fault' was that he had condemned the destruction of the Babri Masjid.'

Bomb-blasts which might have well been engineered by other forces are wrongly blamed on Muslims, providing an excuse to the police to unleash terror on Muslim localities, Khan says. A case in point—a blast in the Mecca Masjid in Hyderabad, which Khan argues, could surely not have been done by a Muslim. Several Muslims were shot dead in cold-blood by the police in the wake of the blast in what can only be called uncalled-for firing. Thereafter, scores of Muslims were arrested and subjected to brutal torture and even abuse of their religion. They tortured them so mercilessly that, unable to bear the pain, many of them have forced to make false confessions. The situation is worse than in the Guantanamo Bay prison, but yet their voices are silenced. Many Muslims are just too scared to protest, fearing that they will also be branded as terrorists if they do, he relates. For daring to take up the cases of these innocent Muslim victims of state terror, Khan has been falsely implicated in a terror case.

Reflecting the general sentiment of the dozens of Muslim victims assembled at the public hearing, Noor Jehan Begum, a social activist from Gujarat, remarked, 'They want Muslims to be made into the new untouchables. They want to grind us to dust, to make us their slaves so that we cannot raise our heads and live with dignity.'

A grim story indeed of a community of over 150 million under siege, and of a system whose secular and democratic claims are increasingly being exposed as hollow. □□□