

Political and Economic Notes :

BJP Rule in UP Shatters the Myth of Democracy and Rule of Law

The Indian state is supposed to be based on the rule of law and principle of democracy. The rule of law supposed to be the fundamental principles of governance of any civilized liberal democracy and it is argued that the rule of law is a part of the basic structure of Indian constitution.

However the experience of the people of several parts of India for all these 70 years suggest that there is no rule of law in India but the arbitrariness of the rules in India is the law that rules the people.

This reality is clearly evident presently in the governance of BJP's Adityanath administration in UP.

The police encounters became everyday occurrence in UP. Legitimised police violence with due authority of law is ruling the state. The BJP government of UP has not only promulgated Uttar Pradesh control of Organised Crime Bill-2017 on the pattern of repressive Maharashtra Control of Organised Crime Act (MCOCA), but also permitted the UP police to assume the role of both investigator and judge, delivering instant justice by killing 'criminals'. And it is being dubbed as the rule of law.

Since March 2017 more than 1200 police 'encounters' have occurred killing more than 40 and injured more than 265 criminals. The DGP of UP defends these extra-judicial killings portraying that they are committed in self-defence by the police.

But the families of the 'criminals' claim that they were taken from their homes, sometimes even in the presence of witnesses, that most of these 'criminals' were usually shot in the head or chest speaks volumes about the self-defence argument of the police bosses. Most of the bodies of these killed bore torture marks on their bodies, which shows that the police are trigger happy. This is the high-handed approach of the UP's BJP government towards governance, which cannot be equated to the rule of law.

When these inconsistencies were questioned in the Assembly, Yogi Adityanath simply negates by saying "sympathy for criminals is dangerous for a democracy" and exhorts that in democracy rule of law need not be followed against criminals. Thus he as the ruler makes it clear that "rule of law" and "democracy" are nothing but a myth.

In this connection it is not out of place to mention that in 1872 itself Karl Marx and Frederick Engels in their famous "Manifesto of the Communist Party" had clearly explained the class nature of law and its rule by emphatically announcing "Your jurisprudence is but the will of your class (ruling class) made in to a law for all".

Now the present governance in UP state proves how right they are.

So one need not have any illusions about 'rule of law' and it is being the principle of democracy. All these lofty ideals are only for the consumption of common people to subdue them to the rule of ruling classes.

While such has been one side of the coin of governance, at the same time another side of this myth of rule of law governance in UP too is exposed.

It is touted that democracy dispenses equal justice and that all are equal before law. But the BJP government in UP made law a selective tool, by arbitrarily over-riding judicial prerogative.

The Adityanath government had started the process of withdrawing all 131 cases relating to the communal riots in Muzaffarnagar and Shamili in 2013 in which 62 people died, 93 were injured and thousands displaced. The cases are against a former union minister and MP from Muzaffarnagar, Sanjeev Balyan and other MPs, MLAs and senior political leaders. All the accused are Hindus and bulk of the victims were Muslims. Claiming that the cases being withdrawn were only false ones linked to the riots, the ruling BJP justifies its heinous action of withdrawing the criminal cases.

On the other hand it claims that it intends to decrease the number of pending cases in courts – particularly politically motivated cases and the state justice department wrote a letter to the district magistrate that the cases could be withdrawn in public interest.

Thus the ruling BJP is imposing its political-religious agenda on the judicial system. This mockery of judicial system has become the rule of law of the ruling classes in India.

Both sides of the coin of BJP rule in UP once again exposes the myth of democracy, rule of law and the human good in a democracy and making it clear that it is nothing but the rule of ruling classes in promoting their class interests of furthering their exploitation.
