

Obtaining Impartial Justice for the Victims of State Repression from our Judicial System of 'Snakes and Ladders' is an Absurdity !

The suspension of acquittal of G.N.Saibaba with abnormal urgency and extraordinary zeal shown by the Supreme Court once again exposes that rendering justice to those who really need is nothing but a mirage in reality. The rhetoric about the sacred nature of our constitution and the virtues about the directive principles that are incorporated in the constitution and the neutrality and independent nature of our judicial system in rendering the impartial and equitable justice to one and all without any prejudices is once again proved to be a mere pretense to make believe people and hoodwink them. The high and lefty talk about liberties, freedoms, fundamental rights, freedom of thought and expression are once again proved to be empty phrases and empty talk to immerse people in to illusions. Even the notions of humanity and humanitarian considerations and for their appeal too proved to be futile.

Professor G.N.Saibaba is a person who is suffering from 90% disability physically. His left hand is on the verge of failure and there is an acute pain spreading in both hands. He suffers from pancreatitis, high blood-pressure, cardiomyopathy, chronic back pain, immobility and sleeplessness. He has to move in a wheel chair pushed by others. He was arrested in 2014 for his alleged links with the banned CPI (Maoist). A chargesheet was filed against him in 2015. A sessions court later sentenced him to life imprisonment. For all these 8 years he was in incarceration under the draconian UAPA Law.

After many attempts to obtain at least bail to no avail, his case is appealed in the High Court of Bombay which elaborately dealt with the case of all legalistic intricacies involved in the case and acquitted him in the UAPA case. However the Maharashtra government rushed to Supreme Court within hours of Bombay High Courts' decision in order to prevent his actual release from Nagpur central jail. Accordingly the Supreme Court 'pleased' to hear the appeal on the very next day in 'special hearing' and suspended the Bombay High Court decision to discharge G.N.Saibaba in the case of UAPA, with an unwarranted expeditiousness and extraordinary zeal.

For all these 75 years with the so-called independence of our country the people have never seen such an extraordinary zeal and abnormal speed shown by the Supreme Court in dealing with the cases involved with the people's interests at large.

They have experienced how the Supreme Court could not come for the rescue of people and remained mute when the internal emergency was imposed, gobbling up all the fundamental rights of people without any recourse.

They have seen how the Supreme Court was looking the other way, when the Hindutva forces have vandalised and demolished the Babri Masjid creating an eternal division and hatred among people of this country between Muslim and Hindu communities.

They have seen how the Supreme Court could not render justice to the victims of Bhopal industrial disaster created by Union Carbide Corporation and unable to punish the perpetrators of such a big industrial disaster in the history and not even was able to extradite and arrest the chairman of UCC who was wholly responsible for the criminal negligence and culpability for causing such a disaster.

They have seen how, the Supreme Court had permitted the Italian Mariners who killed the fishermen of Kerala in our sea waters and how it was unable to implement their promised return to our country to the Supreme Court and make them face the criminal trial against them in India, and permitted to close the case.

They have seen how till this day the master mind behind the Bombay terrorist attacks, David Headly is not even arrested and is permitted to live in USA safely without being extradited from there and our judicial system kept mum in punishing those real culprits of Bombay terrorist attacks.

They have also seen how the accused in Malegaon blast case – a terrorist diehard, Hindutva terrorist Sadhvi Pragya Tagore who was arrested and jailed under the very similar acts was granted bail on spurious medical grounds, and how she is permitted to live with impunity, becoming an MP and has been insistently spreading hate against Muslim community on a daily-basis, and the judiciary system acting as a mute spectator without bothering to punish her.

They have also seen how very recently the 11 Bilkis Bano case convicts are released by Gujarat government with the approval of the Central Government and how the Supreme Court is allowing to drag the case without immediately cancelling the remission granted to those prisoners sentenced to life imprisonment in the Bilkis Bano gang-rape case by the Gujarat Government.

They are also observing the judgments of the Higher Courts in the cases like “Hijab” wearing and the “Gnanavapi litigation of Hindutva forces” being allowed in the courts.

They have seen how in the cases of huge tax evasions of the multi-national companies like Nokia the Courts are absolving them from their crimes.

They have seen how the Maruti workers were allowed to be falsely implicated in to criminal cases and to be convicted with severe harshest punishments by our judicial system to the advantage of the interests of foreign big capital.

Now people are shedding their naivety and blind belief and faith that our judicial system is impartial and independent and are gradually understanding that the judicial system of our country too is a part and parcel of our social, economic, political and cultural system ruled by the exploiting ruling classes, repressing the people and oppressing them inhumanly to continue their rule. Now they are understanding that even the judiciary is a weapon of repression and oppression in the hands of state ruling classes and the rulers in governmental power. Now they are understanding that the judiciary is acting in concurrence with the anti-people policies and anti-people ideologies of the ruling classes

and rulers who are repressing and oppressing the people who question their anti-people and anti-national policies. They are understanding that the judges too are aware to which side of their bread is buttered, how they are being awarded with the extraordinary privileges, benefits and lofty jobs after retirement allowances etc and how they are pronouncing their judgments accordingly. The people are gradually recognizing that the judges too are delivering their judgements basing on their class mindsets which are moulded with the ruling class ideology of exploitation, repression and coercion and anti-people ideology.

Other wise how any sane person can think that the learned judges of Supreme Court have come to the conclusion that a totally disabled person Prof. Saibaba is powerful enough to pose a danger to the sovereignty and integrity and the might of the country and believe that, with his 'dangerous' mind could overthrow the 'Modis' government as has been charged by the NIA authorities!

In 1848 itself in the communist manifesto Karl Marx and F. Engels clearly explained that... "The bourgeoisie stepped of its halo of every occupation hitherto honoured and looked up to with reverent awe. It has converted the physician, the lawyer, the priest, the poet, the man of science in to its paid wage labourers" (Communist Manifesto, our emphasis). Now it is becoming clear that it is the same case even with the judges and judiciary who are made the paid wage labourers of the ruling classes.

In the Communist Manifesto it is even categorically and clearly stated that "... Your jurisprudence is but the will of your class (bourgeoisie) made in to law for all, a will, whose essential character and direction are determined by the economical conditions of existence of your class". (our emphasis)

Now with the above mentioned cases, and presently with the case of Prof. G.N.Saibaba and the Supreme Court suspending his acquittal, it is becoming clear that the same is true that our jurisprudence is but the will of our ruling classes, which made into law for all, and the judgments against the victims of repression of the state are in accordance with such a law and its ideology.

Once again this suspension of acquittal of Prof. G.N.Saibaba makes clear that justice is elusive too the really needed victims of state repression executed by the ruling classes and the rulers in the governmental power; through its state-machinery in which our judicial system is also a part.

Such has been the reality behind the judgment suspending the acquittal of Prof. G.N.Saibaba; by the bench of a Supreme Court with unwarranted urgency.

We have already seen how the judiciary stubbornly refused grant to Stan Swamy and allowed and indirectly condemned him to die in the jail unattended as an orphan.

This anti-people class nature of the judicial system and judiciary has to be kept in mind, without any illusions that it would deliver impartial justice to people particularly to those who differ and question the anti-people policies of the establishment!