India’s judiciary seeks to burnish its reputation with some belated guilty verdicts

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India’s State High Courts have recently delivered guilty verdicts in a number of high profile cases arising from brazen violent crimes committed over a decade ago by wealthy and politically well-connected individuals. Those convicted include a cabinet minister in India’s Congress Party-led United Progressive Alliance (UPA) government, a sitting Bharatiya Janata Party (BJP) MP, the son of a senior police commissioner, and the son of a wealthy Congress Party leader.

The guilty verdicts have elicited a torrent of favorable media commentary, with the press congratulating itself for stoking and maintaining public interest in these cases and lauding the courts for having the integrity and courage to convict the rich and powerful.

Kushwant Singh, one of the country’s best known media commentators, hailed the recent convictions for “beginning . . . the process of restoration of faith in our judicial system.”

“Convictions of Shibu Soren, Navjot Sidhu, Santosh Singh, Manu Sharma, Sharda Jain, Sanjay Dutt and others showed that no matter how important or celebrated a person, he or she is not above the law,” Singh wrote. “We have much to thank Justice R.S. Sodhi for. Credit is also due to our media; to TV channels for reporting the public outrage at the miscarriage of justice and the press for its sustained pressure to bring criminals to book. I hope the process will continue.”

That such comments can be made attests to how widespread is the public perception that the justice system is subject to financial and political manipulation and shot through with class bias.

They also indicate that India’s elite—which has increasingly used the courts to suppress opposition to its neo-liberal socio-economic reform program and to strengthen proprietary and managerial rights—fears that the ability of some its own to literally get away with murder is undermining public faith in the judiciary and thereby endangering bourgeois rule.

In the first of a series of such rulings, the Delhi High Court on October 30, 2006 reversed an acquittal by a lower court and sentenced Santosh Kumar Singh, son of a senior police commissioner, to death for the brutal 1996 rape and murder of a 22-year old female student, Priyadarshini Mattoo.

On Dec. 5, 2006 the same court sentenced Shibu Soren, the Union Coal Minister and leader of the tribal-based political party Jharkhand Mukti Morcha (JMM) and four accomplices to life imprisonment for kidnapping and murdering Soren’s associate Shashinath Jha in 1994. Soren and Jha had had a falling-out over the divvying up of a massive bribe of 50 million rupees ($1.67 million US at the 1994 exchange rate) that had been given to Soren and his cronies in the JMM by the then-ruling Congress Party for propping up the government in parliament a year earlier.

Under India’s penal code Shibu Soren will have to serve a minimum of 14 years in prison before becoming eligible for release.

In another case, the Punjab and Haryana High Court on December 24, 2006 overturned a not-guilty verdict of a lower court and pronounced Navjot Singh Sidhu, a member of the Lok Sabha belonging to the Hindu-supremacist BJP, guilty of “culpable homicide” for beating Gurnam Singh to death in 1988 in a reputed case of road-rage. Sidhu was given a 3-year prison term and fined 100,000 rupees ($2,200 US). A particularly uncouth and coarse person, Sidhu turned to politics after retiring from cricket. He also hosts a television program.

Even the paltry sentence on Sidhu has been suspended, allowing him to appeal his sentence in the Indian Supreme Court.

Neither Sidhu nor Soren are losing any sleep over their sentences. While Shibu Soren did step down as a Union Minister, he still retains his Lok Sabha seat. Soren can prevent his disqualification from parliament by filing an appeal within 3 months. If Soren is unable to obtain bail pending his appeal, the Speaker of the Lok Sabha may have to make arrangements for this convicted murderer to perform his parliamentary duties from jail.

According to news reports, Soren is being treated as a VIP in prison, with the jail authorities attending to his every demand.

Navjot Sidhu, on the other hand, has resigned from the Lok Sabha, but just a couple of weeks after his sentencing he was back in his role as a television host and is currently acting in a 6-part reality TV series. More importantly, the BJP has named Sidhu its candidate for the Lok Sabha by-election necessitated by his own resignation.

The convictions of Soren and Sidhu are not surprising given that the Lok Sabha has become the domicile for scores of venal thug-politicians, who brazenly traffic in political influence and rally public support by making crude populist appeals to caste, religious-communal and ethnic identities. According to one study by a non-governmental organization, over 90 members of the 543-seat Lok Sabha, including 10 members of ministerial rank in the current UPA government, currently face serious criminal charges, including rape, extortion and murder.

In another prominent case that had caused widespread public outrage, the Delhi High Court on December 20, 2006 overruled a previous lower court ruling and sentenced Manu Sharma—the son of a prominent and wealthy Congress Party politician, Vinod Sharma—to life imprisonment for murdering the model Jessica Lal in 1999. Lal, who was working as a bar hostess at a private party of Delhi socialites, was murdered by Manu Sharma for refusing him further drinks after the bar had closed. This case triggered a public uproar when Manu Sharma was acquitted in February 2006 because, according to dozens

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of witnesses, he had brazenly shot Jessica Lal in the head at point-blank range.

Despite the prosecution's call for Sharma to be sentenced to death, the Delhi High Court ruled that "justice would be satisfied if we award the sentence of imprisonment for life to Siddharth Vashishtha alias Manu Sharma."

According to press reports Vinod Sharma is seeking the services of prominent attorneys to file an appeal with the Indian Supreme Court.

As a matter of principle, the *World Socialist Web Site* opposes the death penalty, but it is nevertheless instructive to contrast the court's magnanimity towards Manu Sharma with its baying for the blood of Mohammed Afzal, a minor accomplice—if even that—in the 2001 attack on the Indian Parliament. (See "India: Stop the state murder of Mohammed Afzal".)

India's judicial system has long been notorious for the unequal treatment it accords the poor and the well-to-do—for the corruption of the police and courts, the official indifference to crimes committed against poor and lower-caste people (as for example the recent spate of disappearances in Noida) and the hostility of the police to the rights of the accused.

The flagrant inequities in the judicial system are exemplified by the fact that poor people are often kept in jail for months, and frequently years, awaiting trial for minor offenses, while the rich and powerful are able to obtain "anticipatory bail"—a ruling granting them bail should they be charged—thus allowing them to avoid the indignity of being arrested and having to wait in jail for a bail hearing to secure their release. (See: "Fifty-four years in jail without trial: the plight of prison inmates in India".)

Aware that the judicial system is little respected, if not held in outright disrepute, by much of the population, and also concerned about allaying investors fears that they will be hard pressed to enforce their contracts due to the chronic backlog in the adjudication of court cases, prominent figures in the government and judiciary have called repeatedly in recent years for action to "clean-up" and otherwise improve India's legal system.

In a speech in London in June 12, 2003, the attorney general of India at the time delivered a damning indictment of India's criminal justice system: "The criminal justice system is on the verge of collapse. Because justice is not dispensed speedily, people have come to believe that there is no such thing as justice in courts.

"This perception has caused many a potential litigant who has been wronged to settle out of court on terms which are unfair to him or to secure justice by taking the law into his own hands or by recourse to a parallel mafia-dominated system of 'justice' that has sprung up in metropolitan centers such as Mumbai.

"The gravity of this development cannot be underestimated. Justice delayed will not only be justice denied, it will be the Rule of Law destroyed."

The calls from within the elite for measures against judicial corruption and inefficiency, for an effort to revive public confidence in India's legal system, must also be see within the context of the pivotal role that the courts are playing in the bourgeoisie's drive to make India a cheap-labor producer for the world capitalist market.

India's courts, and especially its apex court, the Supreme Court, have moved in recent years to criminalize working-class and popular dissent with a spate of anti-democratic rulings.

To name but two of the most significant, in the summer of 2003 India's Supreme Court sided with the Tamilnadu state government when it dismissed over 200,000 public employees who had gone on strike demanding better pay and benefits. The court found that public sector workers have no inherent right to strike and even suggested that the state would be within its constitutional limits to outlaw strikes by all workers. In an unprecedented February 2006 ruling, the Supreme Court banned all public discussion on whether the toxic-laden, de-commissioned French Aircraft carrier "Le Clemenceau" should be permitted to be dismantled at an Indian ship-breaking yard.

Under conditions where India's government has often been forced to postpone enactment of neo-liberal reforms, especially in regards to labor laws, due to popular pressure, the courts through various rulings have moved to expand the powers and prerogatives of employers to discipline and dismiss workers. Recently, for example, the Supreme Court ruled that apprentices or trainees don't have any rights during their training period, even if that period is prolonged, and can be fired without penalty even if they routinely perform work that a regular employee performs.

The recent exemplary rulings in a handful of high-profile criminal cases and the push from within the elite for reform of India's judiciary will not—the claims of the press notwithstanding—make India's legal system more just and democratic. Rather they are aimed at bolstering the legitimacy and efficiency of the legal system so as to make it a more effective instrument of class oppression.

Indian Prime Minister Manmohan Singh last year tied his call for the speedier dispensing of justice with the need to bring the courts more in line with his and previous governments' pro-big business "economic reforms."

One further point should be made: while the press has been lauding the courts for the recent convictions of a number of brazen upper-class criminals, those responsible for far greater and more politically-significant crimes—crimes which led to the deaths of thousands and in which leading politicians and police authorities were culpable—the 1984 anti-Sikh riots in Delhi, the 1992 razing of the Babri Masjid mosque in Ayodhya and the 2002 anti-Muslim pogrom in Gujarat, remain free. And about this gross injustice the corporate media remains almost completely silent.

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