

COLLECTIVE PUNISHMENT: THE HINDU EDITORIAL ON M.P. MOVE TO DEMOLISH PROPERTY OF 'RIOTERS'

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The rule of law has a new interpretation in Madhya Pradesh: it is whatever is done by the rulers, and requires neither law nor process. The [demolition of about 45 pieces of property](#), both houses and shops, allegedly belonging to “rioters” at Khargone, a day after a procession to mark Ram Navami, does not appear to be based on any law. It is undoubtedly an instance of collective punishment for the alleged acts of a few. There is little doubt that it was a state-backed drive aimed at Muslims. The basis for the action is the allegation that the Hindu procession was targeted by stones as it passed through a lane adjacent to a mosque. An official spin is sought to be given to the demolition drive that these were “encroachments” and were removed under existing rules. However, the [zeal shown in bringing in bulldozers](#) a day after violence marred the Ram Navami procession indicates that punishing those suspected of involvement was the main motivating factor. Chief Minister Shivraj Singh Chouhan has warned that rioters would not be spared and that action would not be limited to arrests, but would extend to recovery of damages from property owned by them. The legal basis is possibly a 2009 order of the Supreme Court, permitting the pinning of the blame on organisers of an event if it ends in violence, and recovering compensation from them against claims. However, even that was allowed only after their involvement in the violence was proved, an element clearly absent here.

Hindutva outfits have been, for some time now, targeting Muslim businesses with calls for boycott and dissemination of rumours about their practices. In the backdrop of an upsurge in calls for violence against Muslims, some with a genocidal tenor, there is reason to believe that there is a larger agenda behind the various incidents of communal colour taking place. The objective seems to be to provoke some sort of retaliation so that they can be portrayed as culprits and severe punishment, both legal and extra-legal, meted out. The ‘othering’ of Muslims is no more discreet, but is being actively promoted in public and shared through social media. In some disturbing visuals, men appearing to be saffron-robed monks are seen handing out death and rape threats. The sight of crowds dancing with raised swords and saffron flags outside mosques, even as obscene slogans and provocative songs are being played, has become a defining visual in the Hindutva project. The country should not be allowed to be driven towards an atmosphere of communal tension with the tacit support of the government machinery in several States.

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