**[A judicial travesty](https://www.dawn.com/news/1718516/a-judicial-travesty)**

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IN 2011, an American CIA contractor Raymond Davis charged with murder in Lahore bought his way out of custody. A Pakistani Saifullah Paracha, held without charge in Guantánamo Bay (the US’s notorious offshore prison), could not.

Davis spent less than two months in jail and was released after $2.4 million had been paid to the victims’ families. Paracha spent 18 years in prison, and was released without any apology or admission of contrition by the US. Clearly, Pakistanis are but flies to the Americans; they bottle us for their sport.

Paracha’s case is the freshest example of a state’s sledgehammer apparatus being misused against individuals. History is replete with such travesties. Take the case of the Punjabi freedom fighter Bhagat Singh, who was hanged by the British in March 1931. He was 23 years old.

The case against Bhagat Singh and his accomplices is the subject of an incisive book by the British law professor Dr Satvinder S. Juss: The Execution of Bhagat Singh: Legal Heresies of the Raj (2020). It needs to be read by everyone who takes our independence for granted. Dr Juss trawled the Punjab Archives in Lahore during his extensive research. The Indians refused him access to theirs because he was not Indian enough.

Bhagat Singh’s patriotism saw no age.

The facts were straightforward. In December 1928, Bhagat Singh and two associates shot dead a junior British police officer John Saunders, mistaking him for his superior James Scott. They had sought revenge for the death of the nationalist leader Lala Rajpat Rai.

That the victim was not the intended target did not matter. (Canny readers will detect a similarity with the Bhutto/Raza A. Kasuri case, where the victim was also not the intended target.) The British authorities — like Gen Ziaul Haq later — were determined to make the crime fit the punishment.

Dr Juss explains the lengths to which the British perverted laws to suit their purpose. In January 1930, denied legal representation in the magistrates court, Bhagat Singh protested: “What is happening in this court is nothing but a farce [.] We are prepared to be hanged.”

The British retaliated with the infamous Lahore Ordinance III of 1930, which created a special tribunal to try such cases. The special tribunal comprised two British judges and one Indian judge.

Poonch House in Lahore (now a government office) served as the courtroom. Gradually, as the obscene trial continued, the case against Bhagat Singh deconstructed. Over 600 witnesses were to be arraigned. (Eventually, only 457 witnesses would be presented by the prosecution.) The testimonies of six out of the seven eyewitnesses collapsed.

To prevent justice Sayyad Agha Haidar from giving a dissenting vote (the death penalty required a unanimous decision), the Special Tribunal was reconstituted, excluding him on the grounds of ‘ill health’. Privately, he told the Government: ‘I am a judge, not a butcher.’

When Bhagat Singh went on a hunger strike, no less an advocate of human rights than M.A. Jinnah spoke out: “The man who goes on hunger strike has a soul. He is moved by that soul, and he believes in the justice of his cause ... however much you deplore them and, however, much you say they are misguided, it is the system, this damnable system of governance, which is resented by the people.”

Dr Juss does well to remind our generation that “Jinnah’s stellar defence of Bhagat Singh and his comrades, whilst they lay incapacitated in prison on hunger strike, represents the high water-mark of his assiduous advocacy on behalf of those who most needed protection from a repressive colonial administration.”

Bhagat Singh’s case went as far up the juridical pyramid as the Board of the Privy Council where in January 1931, his spirited lawyer D.N. Pritt presented unassailable arguments for his client. The government lawyer did not condescend to respond. It became clear to Pritt that the Privy Council had already made up its mind.

It confirmed Bhagat Singh’s death sentence. He and his companions Sukhdev and Rajguru were in Lahore’s Central Jail in the evening of March 23, 1931. Each kissed the noose in farewell. On the way to the gallows, Bhagat Singh sang: “When we are dead, there will be patriotism left in us/ Even my corpse will emit the fragrance of my motherland.”

Unlike Mr Z.A. Bhutto whom Sir Morrice James once said was “born to be hanged”, Bhagat Singh even at the age of 23 was prepared to be hanged. His patriotism saw no age.

Our current warring leaders are the beneficiaries of Bhagat Singh’s sacrifice. They might like to pause, read Dr Juss’s book, and then ask themselves why they are destroying the fragile gift of independence for which Bhagat Singh and other martyrs forfeited their lives.

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