

# UAPA FIASCO IN TELANGANA

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A case filed under the Unlawful Activities (Prevention) Act at the Tadvai Police station of Telangana's Mulugu district named 152 people, including leaders of various mass organisations and academics on August 19, 2022. File | Photo Credit: The Hindu

A letter from Yedla Kishore, an activist of the Telangana Vidyarthi Vedika and lodged in jail, to a judge, seeking to know the number of cases filed by the police against him would have gone unnoticed if not for the Ranga Reddy district judge, who received the letter and promptly forwarded it to the Telangana Government to send a reply.

The reply to the letter brought out another case filed under the Unlawful Activities (Prevention) Act (UAPA) at the Tadvai Police station of Mulugu district, which named 152 people, including leaders of various mass organisations and academics such as Kishore and Ghanapuram Chandramouli of the Patriotic Democratic Movement (PDM), on August 19, 2022.

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They were booked under various sections of the UAPA because their names were found in the Maoist literature seized from a forest area during a combing operation.

Former Professor of University of Hyderabad G. Hargopal, former Professors of Osmania University Padmaja Shaw and Gaddam Laxman, Telangana High Court Advocates Association President V. Raghunath, former Judge of Mumbai High Court H. Suresh and top CPI (Maoist) leaders were among the people named in the FIR.

The action did not go down well with Chief Minister K. Chandrashekhara Rao, who was against slapping the draconian UAPA law in the case. The Mulugu Police have said that sufficient evidence was not found against the accused during the investigation. A memo is being filed in the court with a request to delete their names from the case.

The 52-page FIR has glaring gaps, including missing details such as the age, address and physical features of the accused. Names such as V. Raghunath and H. Suresh found in the FIR were picked up from an old letterhead of the Indian Association of People's Lawyers (IAPL). Justice Suresh of the Mumbai High Court was earlier chairman of IAPL. In fact, Justice Suresh died in October 2020 but the FIR still names him in the case filed in 2022.

There has been no attempt by the police to cross-check the facts in the FIR. The case invited public attention as prominent names were featured in the FIR. There is no explanation as to why the police did not serve summons to the 152 people named in the case.

Also read | [Police to file memo in court requesting deletion of names of Hargopal and five others in UAPA case](#)

At least 400 people face UAPA charges in the State since 2014 and at least 50 of them are languishing in jails awaiting bail. Using select sections of the Act, the police have conveniently 'framed' people critical of the State government's policies and actions.

The police have been invoking Section 3 of the UAPA which says a sign, gesture, word or intention can be construed as unlawful to implicate people without proof. It has become a handy tool for the police to 'fix' people.

Section 43 (d) (5) of the UAPA has been termed 'cruel' and 'stringent' by civil society organisations and human rights outfits. The section allows a magistrate/sessions judge hearing the case to be satisfied that there is prima facie proof of involvement in a case to deny bail. Another contentious issue that needs attention is the judiciary seeking the opinion of the prosecution before granting bail.

Despite the hue and cry by rights activists, 'confession statements' from the accused are used indiscriminately to book cases. In reality, if a person is booked in one case, a spree of other cases with similar charges is slapped on the accused to tie them down with court cases causing immense financial and emotional strain.

By quickly withdrawing the cases against the six academics and others, the ruling Bharat Rashtra Samithi (BRS) Government has pre-empted the Opposition's move to corner it. The Congress party faulted the government but the BJP has kept mum on the issue.

But the issue may not go away soon as UAPA cases cannot be withdrawn easily and due process has to be followed even to dilute it in case the police do not find strong evidence. All that the police will now do is not pursue the case. And, if the National Investigation Agency (NIA) were to take up the case, the issue will complicate the government's move to drop the cases against the six persons.

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