



**Journal** Website:  
<https://theamericanjournals.com/index.php/tajpslc>

**Copyright:** Original content from this work may be used under the terms of the creative commons attributes 4.0 licence.

## Research Article

# THE ENIGMA OF AFZAL GURU'S HANGING: UNRAVELING THE CURIOUS CASE

**Submission Date:** July 28, 2023, **Accepted Date:** Aug 02, 2023,

**Published Date:** Aug 07, 2023 |

**Crossref doi:** <https://doi.org/10.37547/tajpslc/Volume05Issue08-02>

**Payal Seth**

Amity Law School, Delhi. Affiliated to Guru Gobind Singh Indraprastha University, Dwarka New Delhi, India

## ABSTRACT

"The Enigma of Afzal Guru's Hanging: Unraveling the Curious Case" is an investigative study that delves into the perplexing circumstances surrounding the hanging of Afzal Guru, a Kashmiri man convicted for his alleged involvement in the 2001 Indian Parliament attack. This paper critically examines the events leading to Guru's execution, the legal proceedings, and the controversies surrounding the case. By analyzing various perspectives, historical context, and political influences, this research aims to shed light on the complex factors that contributed to the enigmatic handling of Guru's conviction and subsequent execution.

## KEYWORDS

Afzal Guru, hanging, Indian Parliament attack, Kashmir, judicial proceedings, political influence, enigma, controversies, execution, investigation, legal system, human rights.

## INTRODUCTION

The hanging of Afzal Guru, a Kashmiri man convicted for his alleged involvement in the 2001 Indian Parliament attack, remains one of the most contentious and enigmatic cases in India's recent history. Amidst a complex web of legal intricacies,

political maneuvering, and public opinion, Guru's execution raised numerous questions and continues to spark debates on justice, human rights, and the use of capital punishment.

The incident, which occurred on February 9, 2013, shook the nation, drawing intense media attention and evoking polarized responses from different sections of society. For some, Guru was a convicted terrorist who deserved the harshest punishment for his role in the attack on India's democracy. For others, he was a victim of a flawed judicial system, a man whose trial and conviction were marred by irregularities, doubts, and allegations of political manipulation.

"The Enigma of Afzal Guru's Hanging: Unraveling the Curious Case" is an in-depth exploration of this perplexing chapter in Indian history. This research endeavors to untangle the intricacies surrounding Afzal Guru's arrest, trial, and eventual execution by critically examining the events, legal proceedings, and political influences that shaped the course of justice in this case.

The purpose of this study is not to promote any particular narrative or agenda but to present a comprehensive and objective analysis. By delving into various sources, including court records, testimonies, media reports, and expert opinions, we aim to present a balanced view of the multiple facets surrounding Guru's conviction and the decision to hang him.

In the subsequent sections, we will explore the background of the 2001 Indian Parliament attack and its impact on the nation's security landscape. We will then delve into the circumstances leading to Afzal Guru's arrest and the subsequent legal proceedings. Furthermore, we will discuss the controversies and allegations of political influence that surrounded the case, and how public opinion shaped the course of events.

As we embark on this journey to unravel the enigma of Afzal Guru's hanging, it is imperative to approach the subject matter with sensitivity and objectivity. By

shedding light on the complexities of this case, we hope to contribute to a deeper understanding of the justice system's challenges and the critical need to safeguard human rights in the pursuit of truth and fairness.

## METHOD

### "The Enigma of Afzal Guru's Hanging:

"Unraveling the Curious Case" employs a multidimensional approach to comprehensively investigate the various aspects of the case. The methodological framework combines both qualitative and quantitative research methodologies to ensure a well-rounded analysis. The key methods used in this research are as follows:

#### Literature Review:

A comprehensive literature review forms the foundation of this study. Academic papers, books, government reports, court documents, news articles, and other relevant sources are reviewed to gather a broad range of perspectives and insights into the case.

#### Legal Analysis:

The research involves a meticulous analysis of the legal proceedings pertaining to Afzal Guru's arrest, trial, and subsequent appeals. Court records, judgments, and legal arguments are critically examined to understand the legal basis for his conviction and sentencing.

#### Historical Context:

To understand the broader historical context, the study investigates the events leading up to the 2001 Indian Parliament attack and the subsequent implications for the security landscape in India.

#### Political Analysis:

A political analysis is conducted to explore any potential influence or interference in the legal process. The study delves into the statements made by politicians, public responses, and any indications of political motivations that might have affected the case's outcome.

### Interviews and Expert Opinions:

The research incorporates interviews with legal experts, human rights activists, scholars, and individuals who were closely associated with the case or its aftermath. These interviews provide valuable insights and personal perspectives that contribute to a more nuanced understanding of the complexities surrounding the case.

### Public Opinion Analysis:

To gauge the impact of public opinion on the case, the study examines media coverage, public statements, and protests related to Afzal Guru's conviction and execution.

### Ethical Considerations:

Throughout the research, ethical considerations are given utmost importance. The study respects the rights and dignity of all individuals involved and avoids any biased or prejudiced perspectives.

### Comparative Analysis:

In some instances, a comparative analysis of similar cases or legal practices in other jurisdictions may be employed to draw meaningful insights and provide context for the findings.

### Data Synthesis:

The data collected from various sources are synthesized and analyzed to construct a coherent

narrative that unveils the various facets of the enigmatic case of Afzal Guru's hanging.

The combination of these methodologies ensures a comprehensive and rigorous exploration of the case, enabling a deeper understanding of the complexities, controversies, and implications surrounding Afzal Guru's arrest, trial, and execution. It also assists in presenting a well-balanced analysis that contributes to the academic discourse on justice, human rights, and the rule of law.

### RESULT

The investigation into "The Enigma of Afzal Guru's Hanging" unravels a complex and multifaceted narrative surrounding the case. The research reveals a confluence of factors that contributed to the controversial conviction and execution of Afzal Guru. The result of this study showcases the following key findings:

#### Legal Ambiguities:

The legal proceedings leading to Guru's conviction were marked by ambiguities, procedural lapses, and allegations of coerced confessions. The lack of concrete evidence linking Guru directly to the 2001 Indian Parliament attack raised questions about the reliability of the conviction.

#### Political Influences:

The case was deeply influenced by political considerations, with public sentiment and pressure playing a significant role in shaping the outcome. This politicization of the case raised concerns about the independence and impartiality of the judiciary.

#### Human Rights Concerns:

The investigation highlights serious human rights concerns related to Guru's arrest, detention, and trial. The denial of a fair trial and the rushed execution without a thorough review of the case raised ethical and moral dilemmas.

### Media and Public Perception:

Media coverage and public perceptions played a pivotal role in influencing the course of events. Sensationalized reporting and polarized opinions further complicated the case's resolution.

### DISCUSSION

The discussion segment of this study delves deeper into the implications of the findings. It explores the repercussions of the enigmatic handling of Afzal Guru's hanging on various fronts:

#### Justice System Reforms:

The case underscores the need for comprehensive reforms in the justice system to ensure fair trials, due process, and transparency in the legal process.

#### Human Rights Advocacy:

The study emphasizes the importance of safeguarding human rights, especially in high-profile cases involving capital punishment. It calls for greater scrutiny of death penalty cases to avoid miscarriages of justice.

#### Political Interference:

The research highlights the dangers of political interference in judicial matters and stresses the importance of upholding the judiciary's independence and integrity.

#### Public Perception and Media Responsibility:

The discussion examines the role of media in shaping public opinion and emphasizes the importance of responsible reporting to prevent biased narratives and undue pressure on the justice system.

### CONCLUSION

"The Enigma of Afzal Guru's Hanging" concludes with a call for introspection and reforms within the Indian justice system. The case of Afzal Guru serves as a stark reminder of the complexities and challenges surrounding high-profile cases and the need for an impartial, transparent, and fair legal process. The research highlights the importance of protecting human rights, ensuring due process, and guarding against the undue influence of politics in the administration of justice.

It is evident that the case of Afzal Guru's hanging remains an enigma, with multiple unanswered questions and ambiguities. The study asserts that a more comprehensive and unbiased reevaluation of the evidence and legal proceedings is necessary to address the doubts surrounding Guru's conviction.

Ultimately, this investigation aims to foster a critical dialogue on the intricate interplay of justice, politics, and human rights in a democratic society. By unraveling the curious case of Afzal Guru's hanging, the study seeks to contribute to a more informed and nuanced understanding of the complexities inherent in such sensitive matters and inspire thoughtful discussions on the pursuit of justice and truth in the face of uncertainty.

### REFERENCES

1. Death Penalty to Execute One Terrorist is to Reward Terrorism.(Session 8.1, Criminal Law, LAWASIA 2005 Conference, 22 March 2005) available

- at.<http://www.nswccl.org.au/docs/pdf/speech%20glynn%202005.pdf>.
2. 95 Dick. L. Rev. 739 (1990-91) Time Has Come For A Terrorist Death Penalty Law, The; Specter. Arlen.
  3. Afzal Guru: A chronology of events, available at <http://www.thehindu.com/news/national/afzal-guru-a-chronology-of-events/article4396402.ece>.
  4. Bakshi P.M., The Constitution Of India, 9th ed. 2009, Universal Law Publishing Co. Ltd., New Delhi. Banerjee Sumanta, Of Criminals, Martyrs and Innocents available at <http://www.jstor.org/discover/10.2307/4419020?uid=3738256&uid=2&uid=4&sid=21102570303917>
  5. Bhargava Rajeev and Acharya Ashok, (eds.), Political Theory: An Introduction, 1st ed. 2008, Pearson Education, New Delhi.
  6. Capital Punishment and the Deterrence of Crime , Written Testimony for the House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security, Hearing on H.R. 2934, the “Terrorist Penalties Enhancement Act of 2003,” April 21, 2004 Joanna M. Shepherd Emory University School of Law Clemson University Department of Economics, available at <http://www.judiciary.house.gov/legacy/shepherdo42104.pdf>
  7. Centre For Regional Security, South Asia Plus, April-June 2013, Vol. 3 No. 2.
  8. Dr. Muralidhar S., Hang Them Now, Hang Them Not: India's Travails With The Death Penalty, 40 Journal of the Indian Law Institute (1998), p. 143.
  9. Dr. Puniyani Ram’, Hanging of Conscience: Case of Afzal Guru’. Available at <http://www.countercurrents.org/puniyani260213.htm>
  10. Five JeM Terrorists get Life Imprisonment, Indian Express , available at <http://www.indianexpress.com/news/five-jem-terrorists-get-lifeimprisonment/734171/>.
  11. Furman v. Georgia, 408 U.S. 238, 453 (1972) (Powell, J., dissenting) (quoting Lord Justice Denning, Minutes of Evidence, Royal Commission on Capital Punishment, 207 (1949-1953).
  12. Garner Bryan A., Black’s Law Dictionary, 9th ed. 2009, Thomson Reuters, U.S.A.