

Foreword

Mohammed Afzal, the man that the anti-national forces seem to be taking up cudgels for is a dangerous and diabolical mastermind whose aim was to strike at the heart of India's democracy.

On December 13, 2001, democracy was the target of a potentially calamitous strike by Jaish-e-Mohammed militants. As investigations progressed, it turned out that Mohammed Afzal Guru was the mastermind behind the diabolical plot. As the kingpin, he not only facilitated the entry of the JeM militants, but gave them all the logistical support to help them plan the audacious attack.

Now certain vested interests are playing vote bank politics seeking clemency to Mohammed Afzal. It began with a telephonic conversation between the Prime Minister and the Jammu and Kashmir Chief Minister. Now the issue has snowballed into one of the most unfortunate controversies in India.

Congress stands fully exposed. The silence of both the Prime Minister Dr. Manmohan Singh and Congress President Smt. Sonia Gandhi on the issue is intriguing. Both seem to be trying to grab political mileage whichever way the situation may unfold ultimately. With its contradictory stands taken by its J&K Chief Minister Shri Ghulam Nabi Azad on the one side and Shri Mangat Ram Sharma, a minister in his own Cabinet, and Congress General Secretary Shri Digvijay Singh on the other, Congress is trying to befool both the minority and majority communities.

We are carrying articles by eminent writers and voices from different sections of society in a booklet form to help the readers in appreciate the true face and character of this controversy. We are grateful to the writers and newspapers with whose courtesy the articles have been published.

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BJP pleads with President to ignore clemency petition

A delegation of senior BJP leaders comprising Leader of Opposition Shri L K Advani , BJP President Shri Rajnath Singh, Deputy Leader in Rajya Sabha Smt. Sushma Swaraj , BJP General Secretary Shri Arun Jaitley , party's Chief Whip in Rajya Sabha Shri S S Ahluwalia and Party Vice President Shri Mukhtar Abbas Naqvi on October 8, pleaded with President Dr. A P J Abdul Kalam to ignore petitions for clemency for Afzal Guru, who has been sentenced to death for his role in the 2001 attack on Parliament.

The BJP delegation submitted a Memorandum to the President of India, the full text of which is published as under

His Excellency the Rashtrapati Ji,
Rashtrapati Bhavan,
New Delhi.

Your Excellency,

On behalf of the Bharatiya Janata Party we are constrained to approach Your Excellency in view of the serious threats to India's internal security. We are concerned about the policies of the Central Government which has decided to be soft on terrorism and link issues of national security to its vote bank politics. We are also seriously concerned about the campaign which has been launched primarily by those who are sympathetic to terrorism seeking clemency in favour of Mohd. Afzal Guru, an accused convict in the case of attack on Indian Parliament resulting in death of 11 security personnel and sentenced to death.

India's internal security today is in a precarious condition. Cross border terrorism continues to survive. It is part of a larger design to destabilize India. Parts of North-East continue to be disturbed. A Maoist corridor from Nepal till Telengana has been created with the intention of perpetuating violence and disturbing peace and harmony of the Indian society. The Government has now displayed its weakness in dealing with these challenging situations. The intelligence network of the country has failed to anticipate the attacks which have taken place. The tendency of the security agencies seems to go slow in action against those who are indulging in violence. The country is fighting the menace of terrorism

without an anti-terrorism law in place. Our diplomacy has not succeeded in pushing cross border terrorism to the centre stage of the global agenda.

The attack on Indian Parliament on 13th December 2001 was masterminded by those who wanted to eliminate the political leadership of India. It was an attack on India's democracy, its sovereignty and its leadership. It was the alert security guards at the Parliament who laid down their own lives and saved the Members of Parliament. But for the timely action of blocking all entrances into Parliament, the loss of human life would have been immense. The Delhi Police has prosecuted the accused, some of whom have eventually been acquitted by giving them the benefit of doubt and some have been convicted. Mohd. Afzal Guru has been given the extreme punishment of the death penalty. The trial was conducted by a Session Judge in Delhi, the appeal was heard by Delhi High Court and eventually the Supreme Court has reconsidered the entire matter in a criminal appeal filed before it. The three courts have considered the matter and come to a conclusive finding of guilt against Mohd. Afzal Guru. It is not open to any one today to reopen the facts and come to any contrary finding. The verdict against this accused has been uniform and clear.

There are no grounds for clemency which have been made out. The convict himself has no signs of remorse. He has not even submitted the clemency petition himself. Probably he feels that he should not submit to the Constitution of India. Those without a sense of remorse can never be considered for clemency. What kind of signals would the Indian State give if clemency is shown to those who are guilty of such heinous offences? Are we a soft State which lacks the political will to punish terrorism? Do we wish to give an incentive to future terrorists that even if they commit attacks on Indian Parliament the extreme penalty would not visit them? Do we wish to dismantle all deterrents which exist in law? Or do we wish to give a signal that India will not be a soft or lenient State when it comes to tackling terrorism?

The plea of fair trial can be entertained by the courts. It cannot be entertained by the Executive. The Executive does not sit in judgment over the Judiciary. It is the same trial and the police which had reasonable evidence against another accused and yet acquitted him because evidence did not indicate to the guilt (beyond reasonable doubt). It is the fairness of the Indian judicial process which even in such cases has acquitted people with reasonable evidence against them on the ground that the entire onus of proof had not

been discharged. The contention that this convict did not pull the trigger himself and cannot be visited with the extreme penalty does no hold ground. In the assassination of Mrs. Indira Gandhi, Kehar Singh had not pulled the trigger himself and yet the extreme penalty visited him. Why was this plea not raised by the supporters of Mohd. Afzal Guru at that time? Section 120-B of the Indian Penal Code deals with a criminal conspiracy. Those who mastermind Fiyadeen attacks are as guilty if not more than those who are indoctrinated with religious faith to either kill or be killed themselves. Such masterminds are a threat to a civil society. The threat and the peace process being held to ransom on account of this punishment being executed is a counter productive argument. Those who are disturbing the peace process are precisely the ones who are raising this argument.

Your Excellency, the enforcement of rule of law, orderliness and peace in the civil society is now on trial. The people of India want a terrorism free India. If amnesty is shown to those who have masterminded the most heinous attacks in recent history it will be an incentive to terrorism. The Government of India is already being accused under the UPA of being soft on terror. If any clemency is shown the Government would be legitimately accused of being sympathetic to terror. We therefore appeal to your excellency to ensure that the rule of law prevails and the Executive does not for reasons of vote bank politics denigrate the needs of India's security and its sovereignty.

Yours sincerely,

(L.K. Advani)

Leader of Opposition

(Rajnath Singh)

President

(Sushma Swaraj)

Dy. Leader in Rajya Sabha

(Arun Jaitley)

General Secretary

(S.S. Ahluwalia)

Chief Whip in Rajya Sabha

(M.A. Naqvi)

Vice President

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Before we tender clemency

Soli J. Sorabjee

Every civilised country in its Constitution or in its laws provides for a power to grant pardon or remission of sentence. Articles 72 and 161 of our Constitution confer this power on the president and the governor, respectively. It is settled law that this power is to be exercised in accordance with ministerial advice and not by exercise of the president's or the governor's individual discretion. The rationale of the pardon power is that, "A pardon in our days is not a private act of grace from an individual happening to possess power... When granted, it is the determination of the ultimate authority that the public welfare will be better served by inflicting less than what the judgment fixed." The test is public welfare.

The classic exposition of the law relating to pardon is "that executive clemency exists to afford relief from undue harshness or evident mistake in the operation or the enforcement of the criminal law. The administration of justice by the courts is not necessarily always wise or certainly considerate of circumstances which may properly mitigate guilt. To afford a remedy, it has always been thought essential to vest in some other authority than the courts power to ameliorate or avoid particular criminal judgments".

It must be realised that exercise of the power of pardon does not obliterate or set aside the judgment of the court. The act of pardon under the Constitution operates in a wholly different plane from that in which the court acts. It is the exercise of a constitutional power, whose nature is entirely different from the judicial power. The judicial power and the executive power over sentences are distinct. "To render judgment is a judicial function. To carry the judgment into effect is an executive function. To cut short a sentence by an act of clemency is an exercise of executive power which abridges the enforcement of the judgment, but does not alter it qua a judgment."

The critical question is, what are the legitimate and relevant considerations for exercise of the pardon power in our country where, regrettably, the death penalty is on the statute book and challenges to its unconstitutionality have been rejected by the Supreme Court? The considerations for grant of pardon are various. Some of the illustrative ones are (a) interest of society and the convict; (b) the effect on the family members of the victim and their sense of indignation and injustice; (c) the period of imprisonment undergone and the remaining period; (d) seriousness of the offence; (e) there is a "scintilla of doubt" about the convict's guilt; (f) the health of the prisoner, especially any serious illness from which he may be suffering; (g) post-conviction conduct, character and reputation; and (h) remorse and atonement, and so on.

Our Supreme Court has categorically ruled that the power of pardon cannot be exercised for political considerations. It has further held that considerations of religion, caste, colour or political loyalty are totally irrelevant and are inherently fraught with discrimination.

Exercise of power of pardon is not immune from judicial scrutiny. Courts in exercise of judicial review have interfered with orders of pardon or remission when it is established that the order was passed without application of mind or the order is mala fide or has been based on wholly irrelevant considerations having no nexus with the objective underlying the power of pardon, or if the order is arbitrary. In the case of Swaran Singh, Doodh Nath was found guilty of murdering one Joginder Singh and was convicted to imprisonment for life. His appeals to the high court and to the Supreme Court were unsuccessful. However, within a period of less than this years the governor of Uttar Pradesh granted remission of the remaining long period of his life sentence. The Supreme Court quashed the governor's order inter alia on the ground that the impugned order "fringes on arbitrariness".

The vexed question is whether power of pardon can be exercised to appease popular sentiment or public opinion and thereby yielding to it. According to one Law Commission Report it has occasionally been felt right to commute the sentence in deference to a widely spread or strong local expression of public opinion, on the ground that it would do more harm than good to carry out the sentence if the result was to arouse sympathy for the offender and hostility to the law.

This view has serious implications. Public opinion and espe-

cially its local expression are fleeting and fluctuating and can be manipulated and aroused by injecting into them strong doses of emotional and political elements. Furthermore there can be equally strong contrary public opinion. Grant of pardon solely on the ground that a certain region of India will go up in flames if the convict is executed smacks of pressure and is almost tantamount to blackmail. If this argument is accepted, then persons found guilty after a fair trial of ghastly murders in Gujarat or elsewhere in the country should not be executed. Will the voices asking for pardon for Mohammad Afzal also plead passionately for grant of pardon to the perpetrators of the Gujarat carnage? Or will there be double standards in the matter? Again on this argument, Dara Singh, who has been convicted of the brutal murder of Reverend Staines and his two sons, should be spared because according to some he is "the symbol of our nationhood" and his execution will lead to turmoil and make him a martyr. Acceptance of such pleas would send wrong signals. ...

A full pardon having regard to the enormity of the crime and the killing of security personnel who were patriotically performing their duty would set a pernicious precedent, outrage the sense of injustice in the minds of the victims and open a veritable Pandora's box. Moreover the Rule of Law, which is a basic feature of our Constitution, would be the foremost casualty and will go up in flames which must be avoided at all costs. ■

Celebrating treason

Chandan Mitra

With no logic, no legal figment and no public support at their command, the NGO brigade has descended to wringing out every drop of emotion, with the help of a misguided section of the media. They have spun out a tear-jerker that could be a Bollywood scriptwriter's envy. The leading light of the India-baiting jholawala brigade, one Nandita Haksar, was in her element on the forecourt of Rashtrapati Bhawan last Thursday. Caressing seven-year-old Ghalib, son of death merchant Afzal Guru, she claimed that the (tutored) child told President Kalam that his life's ambition to become a doctor would remain unfulfilled if his father's life were snatched away. The boy cutely stood, suitably melancholic, under Haksar's ample protection while his mother and grandmother recounted their interaction with a sympathetic President. Split TV screens, meanwhile, kept zooming in on that blabbering classes' icon Arundhati Roy who can be guaranteed to cheerlead any gathering that aims to berate India's pride, rule of law, or economic progress.

Those who have made a profession out of running India down have found a new cause celebre in the death row convict. Having tasted blood by successfully browbeating the system into exonerating Afzal's co-conspirator SAR Geelani, the India bashers are convinced they can notch up another victory by getting the pusillanimous Congress leadership to buckle under pressure. Already, a jittery Jammu and Kashmir Chief Minister Ghulam Nabi Azad has spoken out in their favour, warning that the Valley may erupt if the hanging happens. Although his Cabinet colleague, Jammu leader Mangat Ram Sharma, has been forced to sound a dissenting note and one of the party's few mass leaders, former Madhya Pradesh Chief Minister Digvijay Singh picked up courage to demand Afzal's execution, the Congress is petrified at the thought of taking a decision either way.

To begin with, I fail to see why there should be a debate at all. The matter is clear-cut. Afzal Guru was one of the terrorists who stormed Parliament House on December 13, 2001 and it was he who first opened fire on security personnel, apparently killing three of the six who died protecting the majesty of democracy and the nation's honour that fateful morning. He was tried, convicted and sentenced to death by a POTA Court - a verdict upheld by the Supreme Court.

The same process of law failed to find sufficient evidence against his cohort SAR Geelani and acquitted him much to the chagrin of patriotic civilians as well as the security establishment.

Geelani breezed out of Tihar and held a Press conference amid the raucous applause of the 'Hate India' brigade, in which he extolled the virtues of the Indian judiciary, while slamming the political establishment.

Consequently, Geelani faced an awkward dilemma when the Hate India-wallahs started baying for the judiciary's blood in the Afzal case, claiming the convict did not get a fair trial. This was reiterated by his wife Tabassum, who falsely asserted before TV cameras that her husband did not even get the services of a lawyer - a charge she apparently conveyed to the President. The duplicity of the jholawalas who have taken control of Tabassum, in a way reminiscent of Teesta Setalvad's stranglehold over Zahira Sheikh prior to the latter's somersault, is mindboggling. If SAR Geelani got a fair trial in the same case, how come Afzal Guru did not? The bottom line of the NGO brigade's contention is that justice must conform to their likes and dislikes. So, if the Supreme Court refuses to stop construction of the Sardar Sarovar dam, it shows the Indian judiciary to be contemptible; if it awards the death penalty to Afzal Guru, there's a miscarriage of justice. But if it frees Geelani, the judiciary covers itself with glory.

Unable to explain the logic behind these contradictory assertions, some professional agitators are now claiming that most terrorist outrages in India are suspect. I heard one of them tell a TV channel that the Chittisinghpura massacre (on the eve of President Bill Clinton's visit) was "staged", while the Nanded bomb blasts were the handiwork of Bajrang Dal, the attack on the RSS headquarters at Nagpur "suspect", and there were big question marks on the Malegaon incident. First, each of these claims is patently false. Second, to obliquely suggest that the attack on Parliament was "staged" by Indian agencies reveals the depravity of their minds.

To be entertained, a mercy petition by a death row convict must consider whether he is remorseful or at least regrets his action. In the present case, the death peddler is not only unrepentant, but has actually refused to sign his mercy petition. At least he is an honest jihadi who carried out the Parliament attack in the belief (howsoever misplaced) that by seeking to destabilise India he was responding to a higher call. Afzal was driven by the same conviction that motivated several well-educated, sophisticated men to hijack planes and fly them into the WTC towers on 9/11 the same year.

Like them, Afzal was ready to die in the process, just as his five Pakistani colleagues did that morning. Why then, should his life be spared? Especially when we already have the example of Azhar Masood who had to be freed in exchange for passengers on IC 814? May be it is precisely in the hope that fellow jihadis will stage yet another successful hijack and get Afzal released that the Hate India agitators have mounted their tear-jerker campaign.

After all, their sole aim is to weaken and eventually destroy the Indian state and subsequently the civilisation itself. In any self-respecting country they would have been declared Fifth Columnists and prosecuted for treason. In India, on the other hand, they are celebrities who hog large chunks of airtime and column centimetres.

However, while the agenda and modus operandi of the NGO brigade is transparent, the Congress party's surreptitious scheming needs to be deplored roundly. Afzal's hanging, like Geelani's acquittal, is not a Muslim issue. The average Indian Muslim is not battling for Afzal. Like the rest, the Muslims regard Afzal as a traitor who has been sentenced to death by the due process of law and, therefore, deserves to be hanged. But bereft of any achievement in governance, the Congress has decided to aggressively fragment Indian society on caste and communal lines hoping to reap an electoral windfall. It believes that Arjun Singh's systematic destruction of institutions of excellence will get OBCs flocking to the party while clemency for Afzal will drive Muslims in droves into the Congress kitty. If in the process India gets irreparably mauled, so be it.

The people of India have repeatedly seen through such games. Had they been stupid, VP Singh would not have been reduced to a mere jhuggi-jhopri dwellers' leader today. The same fate could well be awaiting those Congress stalwarts who are plotting against the nation in cahoots with the jholawalas.

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Afzal mercy as national discourse - a national shame

S Gurumurthy

Mohammad Afzal is now the new symbol of the seculars. Grant of pardon to him is their goal. Afzal is not just anti-national. He attempted to defy not just the law of crimes. He did not endeavour to defile the constitution just. He attempted to destroy it. He was a main conspirator in the attack on Indian Parliament in the year 2001. With Pakistan providing the attackers, he conspired to kill or take as hostage, the Prime Minister and other ministers and Parliament members.

Both Houses of Parliament were in session when Afzal and his co-criminals almost broke into it and nearly succeeded in his objective. What was the purport of this daring terror? If the Parliament were symbolic of the national pride and personality it was an attack on both. If the Parliament were symbolic of democracy, it was crime against democracy. If the seculars would regard the Parliament as a symbol of secularism Afzal attempted to wipe out that very icon of secularism. If the Parliament represented freedom and the rule of law in India he exerted to snuff both. This attack nearly brought India to war with Pakistan in the year 2002.

So his is no ordinary crime. He is a terrorist, not an ordinary criminal. He was sentenced to death by judiciary at all levels, and by the highest court finally. The judiciary did not endorse the prosecution version of the case. It had let go two other accused, Afsan Guru and S.A.R Geelani, a Delhi University academic, also charged as co-conspirators of Afzal for lack of evidence beyond doubt.

Despite the fact that while letting him off the apex court said that his conduct during the attack was 'disturbing' and had raised 'serious suspicion' about him, Geelani became a 'secular' icon and he was taken around JNU and elsewhere to pontificate on the virtues of secularism! The very judiciary at the highest level has confirmed

death penalty to Afzal. And yet today, the seculars, who swear by judicial verdicts when it suits them, are clamouring for mercy to Afzal almost implying that the Apex Court did injustice to him.

See how shameless the mercy theatre is. 'The whole of Kashmir would be in flames,' warn the terrorists. 'Don't execute him during the month of Ramzan,' plead others as if executing an anti-national terrorist is an affront to Islam. "It would send a wrong message to the people," says the Chief Minister of Jammu and Kashmir. "He was not given fair trial," charge the liberals. This after the Supreme Court has confirmed the due process and upheld the verdict!

Geelani, who the benevolent Court had mercifully let off, says sharing dais with the liberals that "there was no direct evidence against Afzal, only circumstantial evidence." First year law students know that police cannot prove conspiracies by video recording and yet the secular media prominently carries Geelani's view that casts shadow on the apex court.

The secular parties and their MPs inside were shivering in toilets in the Parliament House when our soldiers were spilling their blood to save them. Now they are deafeningly silent when the pardon theatre is on. A national shame is being enacted in the national theatre and it is being televised and statements of neutrals, human rights activists and politicians are reported extensively. The photographs of the mother, wife and the child of Afzal are carried on the front pages of the media to promote sympathy for Afzal.

Afzal himself does not want mercy, says the family arrogantly. Yet, the family is petitioning for mercy. The secular chorus and the media pressure are so high that the usually composed President loses his composure, meets Afzal's family and even assures them that he would look into their case.

This is indeed unprecedented. How many such families pleading for pardon can future Presidents meet? If Presidents do not henceforth meet others, what would that mean? Would that not mean that Presidents would meet only the families of convicts who commit such high anti-national crimes?

The President must know or must have been advised that granting pardon is not a Presidential act. It is only the Cabinet, which, in effect, grants pardon and the President only signs just as he signs many other papers. A high national danger is being trivialised in the national discourse on secularism. The secular discourse is no more centred round concepts. It is becoming centred round criminals and terrorists.

When the Constitution came into being secularism meant state-neutrality towards religion, that is, the state should not discriminate between faiths. Then it degenerated to granting privileges and bounties to the minority. Later it was perverted to defending and protecting criminals and terrorists. Like the entire Kerala political spectrum unanimously commended parole for Abdul Madani who bombed and killed over 70 persons in Coimbatore. Like an acclaimed secular commentator in the visual media, wrote in print media, how a patriot _ yes patriot _ like Dawood Ibrahim, who bombed Mumbai and killed hundreds, was being persecuted in India! Now Dawood is declared as a global terrorist and the columnist is still among the most rated secular voices!!

Today secular discourse has shamed itself and shamed the country by coming in defence of a terrorist who bombed the very symbol of their ideal of secularism, the Parliament. It is national shame is that the issue of mercy to Afzal should have arisen first much less as part of the national discourse



You can't be good to evil

Swapan Dasgupta

This is the time of the year when India celebrates the triumph of good over evil, of dharma over adharma. In the east, we commemorate the homecoming of the Goddess Durga, the personification of shakti and the divine force which was created to slay the demon Mahishasura. In other parts of India, the triumph of Ram over Ravana is observed with the ceremonial burning of effigies.

The celebrations assume different forms. In Gujarat, there is boisterous dancing through the night. In Bengal, there is feasting and revelry. In the North, the pre-Dussehra restraint is followed by an uninterrupted bout of over-indulgence culminating in Diwali - the day of Ram's triumphant return to Ayodhya.

It is, therefore, ironic that this should also be the time the country is confronted with a disagreeable demand aimed at puncturing our sense of dharma. Under the expedient guise of forgiveness and compassion, there is an insidious attempt to taunt India and the Indian way of life.

The reference is, of course, to the orchestrated outcry against the death sentence handed out to Afzal Guru, the jihadi from Sopore, convicted for his role in the attack on Parliament in 2001.

It would be understandable if the objections came from those who have ethical problems with capital punishment. The belief that no man has the right to take another man's life is grounded in the noblest standards of human conduct.

However, faith in ahimsa also constitutes an indictment of a jihad which is prefaced on the merciless killing of the enemy. Equating murder with judicial punishment implies that every belief should be treated on par.

Few of those who have taken up cudgels for the unrepentant Afzal are either Gandhians or pacifists. For the pragmatic Chief Minister of Jammu and Kashmir, the street demonstrations against

Afzal's sentence are an additional headache he could do without.

For the CPI(M), the indulgence towards Afzal is an aspect of the emerging global alliance between Red and Green. And for the Congress, which has made moral relativism its new leitmotif, it is all a question of Muslim votes. In its ambivalence on Afzal, the party is nervously anticipating a similar furore if death sentences are handed out to any of those found guilty in the 1993 Mumbai blasts case.

To be fair, neither Ghulam Nabi Azad nor the one-man CPI(M) in Jammu and Kashmir are pro-active in demanding clemency for Afzal. They are at best responding to an issue that has been seized upon by all the separatist groups and their controllers across the border to hit the Indian State hard.

Why is the Afzal issue important to those who want Kashmir to be a part of our neighbouring Islamic republic? First, a Presidential order commuting Afzal's death sentence to life imprisonment will not be seen as the triumph of Gandhian values over judicial retribution.

It will be seen as the Indian state's capitulation before organised pressure. India, in other words, will be seen to lack the political and moral backbone to uphold its own laws.

Second, if one of the main conspirators in the attack on Parliament — an incident that nearly triggered an Indo-Pakistan war — is allowed to subvert the due process of law, it will be tantamount to suggesting that jihadi crimes will be judged by a different yardstick.

By passing a unanimous resolution calling for one of the main accused in the 1998 Coimbatore blasts case to be set free, the Kerala Assembly has trod a dangerous path and Afzal's reprieve is another step in the long march to capitulation.

It is not very pleasant to acquiesce in capital punishment. However, there are crimes which call for the severest punishment because the perpetrators are unwilling to subject themselves to the same moral codes that determine civilised existence.

The jihadis crossed the *lakshman rekha* long ago. A show of indulgence towards them is akin to suggesting that there are no boundaries which govern right and wrong. If that is so, why should we bother with Durga Puja and Dussehra? ■

Our difficult and dangerous times

Balbir K Punj

With Chief Minister Ghulam Nabi Azad brazenly extending support to the mobs agitating against the death sentence awarded to Mohammed Afzal Guru, the prime accused in the December 13, 2001, Parliament attack case, it is clear that the Congress under Ms Sonia Gandhi has walked a long way from the ethos of Mahatma Gandhi.

Gandhi had refused to intercede to save Bhagat Singh from the gallows. Turning down all pleas seeking his intervention on Bhagat Singh's behalf, the Mahatma had pointed out that there could not be any compromise with violence as a means, even for a lofty end. Isn't it ironical that a party that refused to stand by a patriot of sterling qualities has no compunction in supporting a traitor convicted of the most heinous crime in the history of independent India?

Today's Congress is not only different from the Mahatma's, but also of Indira Gandhi's. Under similar circumstances, Mrs Gandhi ensured that JKLF leader Maqbool Bhatt was sent to the gallows. The terrorist outfit had claimed that India would not dare to hang him for fear of retribution. But Mrs Gandhi ensured that the separatists' bluff was called.

The Congress, however, is not alone in this loathsome drama. The 'Save-Afzal-Guru' campaign is being orchestrated by 'secularists' of different hues, with the Communists in the lead. The people taking part in this campaign are no different from those who vigorously campaign against Gujarat Chief Minister Narendra Modi, the singing of Vande Mataram and ban on fraudulent conversions and cow slaughter. While the Congress's stance on Mohammed Afzal Guru is a complete departure from its past, the stand of the Communists is perfectly in line with their track record.

In the last century, in the 1930s, the Communists actively worked with Mohammed Ali Jinnah for the creation of Pakistan.

When the erstwhile Soviet Union joined hands with the British during World War II, the Communists spied on freedom fighters for the alien masters, besides talking ill about them - from Mahatma Gandhi to Subhas Chandra Bose. After the country became independent, they waged a war against the "Capitalist Indian state". In the 1962 India-China war in 1962, their sympathies were with Beijing. When Indira Gandhi promulgated Emergency in 1975, the Communists stood by her against the masses. Their fellow travelers, active in media and the NGOs, usually side with all those who work against Indian interests and run campaigns to demoralise the security forces and demean the nationalist elements. No wonder they are today campaigning in favour of Mohammed Afzal Guru, a self-declared enemy of the Indian state.

India-baiters of all hues, including the terrorists in Jammu & Kashmir, know that the current UPA dispensation is vulnerable to pressures. In the three years of its rule, the Congress-led UPA Government has shown itself to be unduly vulnerable. First, it was the Congress's unwritten pact with the Maoists during the 2004 Andhra Pradesh election. The Maoists took advantage of this agreement and strengthened themselves, while pretending to hold talks on giving up their arms. When it suited them, they broke off all negotiations and now the country is paying the price.

The same thing was repeated in Assam when the UPA Government decided to hold talks with ULFA. The Centre did not even take the normal precaution of checking the credentials of the so-called People's Group that was set up to create the impression that ULFA has popular support. The Government has walked into this trap and it is hardly surprising that one hears ULFA leader Paresh Barua saying that the negotiations are all about granting Assam "independence".

The weakness has been evident in other ways as well. When US President George W Bush visited India in March this year, the Communist parties that support the UPA Government joined hands with Islamists in protest. The Government allowed these rallies to continue despite its communal overtone. Vote-bank politics prevailed later as well when the powers-that-be preferred to ignore the call made by a Minister in the Uttar Pradesh Government to kill those behind the objectionable cartoons of Prophet Mohammed that were published in a Danish newspaper. The Congress spokesperson then asked the country to ignore such communal outbursts.

With the Government seen to be kow-towing to jihadis, the dormant terrorism on this side of the border has got a shot in the arm.

With the Congress and the Communists in Kerala demanding the release of Abdul Nasser Madani, mastermind behind the Coimbatore bombings in 1999, the fundamentalist know that their time has come. As a result, terrorism has sprung up all over the country, with the misguided local Muslims in the lead.

The Mohammed Afzal Guru case should not be seen in isolation. There is widespread apprehension in the country that the UPA Government will not hesitate in buying peace with jihadis for short-term gains. This uneasiness is well founded because Prime Minister Manmohan Singh is yet to tell us the reason that made him change his tactics vis-à-vis Pakistan. After all, soon after the July 11 Mumbai bombings, he blamed Islamabad for these acts of terrorism, thus questioning the premise of all confidence-building measures between the two nations. Ironically, the Prime Minister took a U-turn in Havana and termed Pakistan a victim of terrorism, rather than its perpetrator.

The Congress-led UPA Government seems to be a divided house as far as the issue of terrorism is concerned. It does not have any idea regarding Pakistan-sponsored jihad. No wonder, it has promoted the idea after the Mumbai train blasts that neither Pakistani nor a particular community should be targeted without evidence. Now that the evidence of Pakistan's collusion has been unearthed by Mumbai Police, what will the UPA Government say? Only a feeble statement that the evidence will be presented to Pakistani authorities when the Foreign Secretaries of the two nations meet each other!

The people cannot afford to ignore the message from these protests in Jammu & Kashmir. There was no agitation when the Mumbai bombings took place in July, even though 187 lives were lost. But the moment the Supreme Court gave its verdict against the mastermind of the December 13, 2001, Parliament House attack, there has been so much hue and cry in the Valley manipulated to influence further judgement. Are there double standards in the Islamic and 'secular' issues? The answer is obvious.

■

Mercy for Afzal will be victory for terrorism

Dina Nath Mishra

If Mohd Afzal is pardoned in the name of mercy and saved from the gallows, it would be the beginning of surrender to the Islamic Jihad which is going on in India on a massive scale for the last two decades. It would be a symbolic measurement as to how much writ of Islamic Jihad runs in the sovereign India.

It is notable that after Sessions and High Courts' judgments, the Supreme Court too found Mohd. Afzal, a Pakistan-trained militant, guilty of being fully involved in the conspiracy. The court said that the attack by terrorists on the "supreme seat of democracy" fell in the category of rarest of the rare "crime committed with enormous severity" and upheld award of death sentence to Mohd Afzal.

Further, it must be remembered that Afzal does not come in the category of an ordinary criminal who committed the crime in a fit of rage but a person who has waged a war against the nation and state of India. It must be remembered that once he had surrendered and again gone back to terrorism. In order to understand the nature of Afzal's crime and his mental makeup, one has to look at the very source of his inspiration. Although jihadi wars have always been guided by Quran, when the previous military dictator of Pakistan Zi-ul-Haq thought of a strategic book titled Quranic Concept of War, the task of writing that book came to Brigadier SK Malik who did it dutifully. Zia prescribed this book as a must-read for every soldier of Pakistan. In the chapter on 'Strategy For War' terror tactics have been described as follows:

"Only a strategy that aims at striking terror into the hearts of enemy from the preparation stage can produce direct results and turn Liddell Hart's dream into a reality. During peace time our 'will' must find its expression through 'preparation'. Terror struck into the hearts of the enemies is not only a means, it is the end in itself. Once a condition of terror into the opponent's heart is obtained, hardly anything is left to be achieved. The Quranic military strategy thus enjoins us to prepare ourselves for war to the utmost in order to

strike terror into the hearts of the enemies, known or hidden, while guarding ourselves from being terror stricken by the enemy.

“Jihad is a continuous and never-ending struggle waged on all fronts including political, economic, social, psychological, domestic, moral and spiritual to attain the object of policy. It aims at attaining the overall mission assigned to the Islamic state, and military strategy is one of the means available to do so. It is waged at individual as well as collective level; and at internal as well as external front.”

In the current phase of Pakistan-sponsored terrorism, terrorists first killed two civilians and one jawan and saw the response. Then they caused double digit and triple digit casualties and saw the response. Changing the gear, they targeted temples and read the barometer. They ambushed Army camps and tested the repercussions. They carried out serial bomb blasts in the financial Capital of India to unnerve it. Thereafter, they targeted technological Capital - Bangalore. Now, they are testing Afzal's death sentence and watching the vitality of Muslim vote bank against the state power led by Manmohan Singh, controlled by Sonia Gandhi and her loyalists. They would then chalk out the strategy for next phase of jihad and its ultimate success.

I recall the condemnations galore for weeks by the whole political spectrum world over against the treacherous attack on Indian Parliament on December 13, 2001 by the jihadists. Muslim Organisations and their leaders' denunciations of the dastardly attack were even louder. Now when the mastermind of that operation is to be put to death, they have changed colours. I can understand filing of mercy petition by the family members but I am shocked to learn that J&K Chief Minister Gulam Nabi Azad, the Man Friday of the Congress party as also of Sonia has come down to Delhi to plead mercy for Mohd. Afzal. A General Secretary of the Congress party cited the constitutional provision of appeal to the President.

Former Chief Ministers of J&K Farukh Abdullah, Mufti Mohd Sayeed have joined the chorus. All pseudo-secular parties are keeping quiet because of their vote bank consideration. Their silence is as eloquent as was their condemnation on the day of attack exposing their duplicity.

The civil rights industry is mixing up the debate on abolition of death sentence with terrorism, thereby subverting the judiciary and in the process the very integrity of the country. By bowing to protests in Kashmir and elsewhere, don't allow a great victory for terrorists. ■

In Islam, treason is a capital offence

Kanchan Gupta

This conversation began in the sparsely furnished but cavernous office of Mohammed Sayed Tantawi, the Grand Sheikh of Al Azhar, in medieval, or Islamic, Cairo. It continued with other sheikhs of the world's oldest university and the highest seat of Sunni theology over cups of scalding oversweet coffee. In between, there was a detour by way of evenings spent with young, educated Arabs in Jeddah, the gateway to Mecca, symbol of global Islam.

The common thread that ran through this conversation was Islam's response to jihadi terrorism. Is causing death and destruction in the name of Islam justified? Does Islam prescribe punishment for terrorists? Should Muslims protest if a terrorist is made to feel the pain he/she inflicts on others?

I met Sheikh Tantawi three months after the December 13, 2001 terrorist attack on Parliament House. A parliamentary delegation had by then visited Cairo to sensitise the Egyptian Government about the facts of the case, especially Pakistan's role in the attack, and present dossiers that I had helped prepare. The Egyptians didn't need much convincing: Their embassy in Islamabad had been blown up by jihadis on November 19, 1995.

The Grand Sheikh, in a grey gelabeya and a white wraparound turban, was surprisingly well informed about the attack on Parliament House and when I popped the question - what does he have to say about the attack? - sputtered in rage. “Terrorism is aggression against innocent men, women and children,” he said, waving his hands to indicate rejection of any contrary suggestion.

“In the name of Islam I reject and condemn the aggression against innocent people, regardless of whatever side, sect or country the aggression comes from,” he added, spacing out the words so that my interpreter would not miss out on any. Islam, he said, “shows no mercy to such aggressors (as those who attacked Parliament House)”.

Later, over many cups of Turkish coffee, an Al Azhar sheikh who is acknowledged as a scholar of sharia'h explained to me what the Grand Sheikh meant by "no mercy". It is often claimed, he said, that apostasy and murder - apart from adultery - are the only crimes that invite the death penalty under Islamic law. "But capital punishment is not meant to apply only to change or renunciation of faith," he said, adding, "it is also meant to punish acts such as treason, joining forces with the enemy, and sedition".

Another sheikh, who is often denounced by Islamists for not endorsing the "martyrdom" of Palestinian suicide bombers, stressed the need to mete out harsh punishment to terrorists. "At the end of it all, yes, eternal punishment for the crimes we commit in this world are in Allah's hands," he said, and then asserted, "but we should not forget that there is a place for punishment in this world as well."

He should know. Islamic Egypt had no compunctions about sending Sayyid Qutb, the chief ideologue of Islamism, to the gallows on August 29, 1966 for "plotting to overthrow the state". Earlier, Hassan al Banna, founder of Muslim Brotherhood, the mother of all jihadi organisations, was shot dead by the mukhabarat in February, 1949, for encouraging armed insurrection.

What emerged from these and other conversations with scholars in Al Azhar whose knowledge of Islamic theology is impeccable and whose faith in Islam is unquestionable is in sharp contrast to what is being claimed by Islamists - and their fellow travellers - championing the cause of Mohammed Afzal Guru.

Harsh punishment, all of them said, serves as "a deterrent for those who harm innocent people or threaten to destabilise the foundation of society". Two crimes in particular, they insisted, should fetch the death penalty: Intentional murder and fasaad fi al-ardh ("spreading mischief in the land"). It was also pointed out to me that unlike Christianity, Islam prescribes capital punishment for "those who threaten to undermine authority or destabilise the state".

Scholars of Islam have variously interpreted fasaad fi al-ardh and over a period of time, "spreading mischief in the land" has come to mean a variety of crimes or deviant behaviour that "affect the community as a whole, and destabilise society". Some of the crimes that come under the rubric of fasaad fi al-ardh are treason; apostasy; terrorism; land, sea or air piracy; rape; adultery; and, homosexuality.

Ahmed and his friends, whom I met through a common friend in Jeddah, are more informed about the world of high finance than Islamic theology. But they are devout Muslims who chose to return

to Saudi Arabia than stay on in the US after their graduate studies in some of the top business schools.

And their views on terrorism run contrary to popular notions of Saudi Arabia as a seething mass of Osama bin Laden clones. "We have been taught, and we believe, that Islam forbids inciting terror in the hearts of defenceless people, the destruction of buildings and properties, the bombing and maiming of innocent men, women, and children," Ahmed said, adding, "Islam does not subscribe to the view that a political cause can be advanced or assisted by such immoral acts."

Perhaps they were echoing the views of Sheikh Abd al-Aziz bin Abdallah Aal al-Sheikh, the grand mufti of Saudi Arabia, head of the Saudi commission of senior Islamic scholars and the supreme Islamic authority in the kingdom that lives by the unflinchingly strict code of Wahabi Islam. Asked for his views on Islamist terrorism, including hijacking of aircraft, attacks against security personnel and suicide operations - like the one on Parliament House - he described them as "illegitimate" and "having nothing to do with jihad in the cause of Allah."

After the public execution of three terrorists, who had been found guilty of bombings, killing security personnel and using a car seized from an expatriate Indian, on an April Friday, Sheikh Abdul Aziz Al-Maiman, a well-known Saudi religious scholar, added another definition to fasaad fi al-ardh: Such crimes, he said, "are called acts of corruption in Islam, and the Quran has warned people against indulging in them".

As for the beheading of three terrorists on a Friday in a public square of Sakaka after the jumma prayer, the sheikh explained it as 'just punishment' for their crimes against innocent people, security personnel and the state: "In Islam, those who are found committing such acts of corruption as killing, stealing and kidnapping are punished severely and therefore are executed or crucified."

The 'Friends of Afzal Society' should be grateful that in secular India, the courts have not decreed that he be decapitated or crucified on Vijay Chowk in full public view of those, including good Muslims, who believe terrorists like him are a threat to open society and democracy. ■

This is no way to fight terror

Maninderjit Singh Bitta

It is very unfortunate that we have not learnt lessons from history. The decade-long festering wound in Punjab was cured with firm commitment, political will and non-interference under the leadership of then Prime Minister Narasimha Rao, then Chief Minister Beant Singh and then Director-General of Police KPS Gill. Today we have a leadership which in bargain for a few accolades is ready to barter the sovereignty of the country.

I am hurt when the Congress leadership tries to justify totally anti-national statement of Jammu and Kashmir Chief Minister Ghulam Nabi Azad as his freedom to individual opinion. My question is: could anybody holding a public post vent his individual opinion in public domain? Are they descendants of the same Congress leadership, which had rejected the mercy petition of Kehar Singh and Harjinder Singh, the assassins of Indira Gandhi and Gen AS Vaidya.

Such tough decisions sent a chilling message down the spine of the terrorists in Punjab and militancy's back was broken. The battle was won in Punjab by not pussyfooting the issue but taking them head-on. Today, we are dealing the issues of national security and threat in a manner which belies all logic.

Even the media has failed to comprehend the danger, which lies in following such policies. We go to town demanding reopening of the Jessica Lall murder case. I have nothing against it. But why we fail to launch a similar campaign to demand retrial of SAR Geelani, the prime accused in Parliament attack case. He is allowed to go scot-free and propagate anti-India sentiments. If Geelani does not control his activities and stop giving volatile statements then I would file a PIL in the court demanding reopening of his case.

The way terrorists are being backed by some section of politicians, the day is not far when they would be given tickets to Parliament. The situation is so embarrassing for those families who have

lost their son, while saving democracy, that they are not given time by the Prime Minister or the President but Afzal's family members are allowed to have discussion for almost 20 minutes.

The mercy petitions of terrorists are sent to President, who can be neutral at once, but Law and Home Ministries, which anyhow consist of politicians, are making a mockery of the Supreme Court's judgement.

The Government is, in some way or the other, bending on its knees in front of terrorists, thereby leading to incidents like Diwali, Mumbai trains and Malegaon blasts. At present, 20 mercy petitions are pending with the President, including that of Murugan in Rajiv Gandhi assassination case and of Devinder Pal Singh Bhullar in 1993 attack on All India Youth Congress meeting in New Delhi.

The Government has measured the sacrifice made by soldiers with a petrol pump and Rs 14 lakh. They would also be pressurised to favour the mercy petition of Afzal. The morale of police officers and security agencies, who give everything to nail these terrorists, gets to the bottom when they are let off. "*Dushmano ke sitam ka khauf nahi, apno ki wafa se darte hain*".

■

Murderer as martyr

Amba Charan Vashishth

When the killers of Jessica Lal and Priyadarshini Matto went scot free, we cried a lot: There is no law. There is no justice in the country.

When dreaded terrorist Mohammad Afzal Guru was found guilty and sentenced to death for treason, for planning and executing a plan to attack Parliament and killing six innocent security personnel who thwarted the conspiracy to hold the country and democracy to ransom, we human right activists, secularists, liberals, intellectuals and the like have now all ganged up to plead for clemency for Afzal.

Is it not ironical? Is it not hypocritical?

We seem to be trying to ignore the prospect of what would have happened had the designs of desperadoes, like the Kandhar Indian Airlines plane hijacking incident, succeeded in holding Parliament, the country and the very system of democracy to ransom. We would in that case have been rendered completely helpless to do everything at their asking.

By pleading Afzal's case on "humanitarian" grounds, are we not ignoring the plight of women widowed, children orphaned and parents snatched away of their old-age support? On "human" considerations we are trying to be, in fact, inhuman to the victims of terrorists. Did Afzal – and for that matter, every terrorist – not violate the human rights of their victims and the peace loving, law abiding, innocent general public? By championing the cause of the likes of Afzal Guru, are we human right activists, in a way, not encouraging these elements to indulge in more and more human rights violations?

Don't make Afzal a martyr, suggest some, by hanging him. The very spirit of martyrdom has with it the qualities of saintliness, ascetic, heroic with an element of sacrifice. It is insulting to liken his

hanging to martyrdom. If hanging of a diehard criminal condemned for a heinous crime of murder and treason amounts to 'martyrdom', then everyone who has been hanged for committing a crime in the country since we won independence is a 'martyr'.

A criminal or a terrorist is overwhelmed with a feeling of self-righteousness and justness of his cause and of what he does.. A person who commits a crime and a murder, is inspired by a motive and a cause. If anybody of us were to anoint 'martyrdom' on such people, god save this country!

If a person, in the eyes of we liberals and human rights people, attains the halo of 'martyrdom' because he was hanged under court orders for an atrocious crime, in which category shall we have to place the criminals hanged/condemned to be hanged for the murder of Mahatma Gandhi, Indira Gandhi, Rajiv Gandhi, Partap Singh, Kairon, Beant Singh and the like?

When we were fighting for our independence, many great people – Maharani Laxmibai of Jhansi, Bhagat Singh, Chandrashekhra Azad, Rajguru, Khudi Ram Bose, Subhash Chandra Bose, Maharana Pratap and numerous others – made supreme sacrifices for India's Independence to earn the epithet of a martyr. In independent India, the likes of Abdul Hamid, Capt. Vikram Batra, Capt. Kalia, became martyrs for the country as they laid down their life defending every inch of the country's sacred land and the nation felt honoured to confer on them the highest military honour of Paramvir Chakra.

But today, in the sixtieth year of our independence, persons like Afzal are attaining martyrdom by killing innocent people and those performing their sacred duty to protect Parliament and the sovereignty and territorial integrity of the country.

That is the travesty of our present politics and the decay towards which it is moving fast. Let us not forget that when we wish to deride a politician we call him a *neta*. Let's not degrade martyrdom to that level.

An enemy soldier we kill during war may be a martyr for our enemy, but not for us under any circumstances.

Afzal is a killer of the securitymen. He made them martyr by killing them. The day there ceases to be a distinction between the killer and the killed and the day a killer is sought to be glorified as a martyr, that would signal the end of a civil life and a civilization.

Under article 72 of the Constitution of India, the President of

India does have “the power to grant pardon, reprieve, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence” even “in cases where the sentence is a sentence of death”.

But this power is not absolute and unilateral. The President goes into the circumstances of the death penalty before commuting it or pardoning somebody. Despite a massive public opinion campaign requesting him to commute the death penalty, President Dr. APJ Abdul Kalam rejected the petition of Dhananjay Chatterjee, who raped and killed a 14-year-old in 1990. In the instant case, the UPA government will be in a predicament because numerous such petitions, including those of people convicted in Rajiv Gandhi murder case, are pending for consideration. President has the discretion to return the advice of the council of ministers for reconsideration. He is bound only if the council of ministers sends back the recommendation. But will the UPA be able to persist with ignoring nation’s almost unanimous demand for Afzal’s hanging, except for some solitary voices motivated by political and electoral considerations?

Any commutation of death sentence into a life imprisonment will just be a mockery of the system of justice in view of the gravity of crime Afzal has committed. An imprisonment for life, under our present system, does not, in effect, means imprisonment for whole life. It amounts to an imprisonment for a maximum term of fourteen years less the remissions in sentences granted by government on various occasions and because of good conduct of the prisoner. The duration of the period a convict remains detained during the trial is also deducted. In this case Afzal has been under detention for more than four years. So his life-term will be reduced to less than 10 years, despite the fact that detention under trial does not, in effect, mean imprisonment because detention is never rigorous imprisonment.

In one case, according to reports, because of remissions and other considerations, a person convicted for life, was able to come out of prison free just after seven years of imprisonment. With a UPA government generous to such people, no wonder if Afzal is able to create another record of sorts and comes out of jail in less than seven years.

Afzal has been a threat to the security of the country even as an under trial. He will be a greater threat as a convict. It will be an open invitation for a repeat performance of the Kandhar type hijack of an aeroplane or some other technique to hold certain individuals or

groups to ransom for release of Afzal. Can the country afford risk of another Kandhar type of operation by committing the blunder of not honouring the judgment of the Supreme Court of India and send him to the company of Maulana Masood Azhar to organize and execute their nefarious designs of death and destruction in the country with double the strength?

Another important point we need to keep in mind is that pardon is sought and not offered. Confession of guilt and regret is the pre-condition for a pardon. You cannot expect the President to volunteer a pardon. It is true that even members of the convict’s family too can submit an appeal for pardon. Yet, we cannot, at the same time, ignore the fact that Afzal himself has refused to seek pardon. In these circumstances, can a person be pardoned who has no regrets, who does not confess his guilt? Can you expect that such a person who has been thrust with a pardon without asking undergo a change of heart and be a gentleman? ■

Editorials

Afzal must keep date with hangman

At a time when countries around the world that abolished capital punishment to flaunt post-War liberal values are desperately seeking ways and means to mete out deterrent punishment to terrorists, it is amazing that we should be witnessing a spurious debate on whether Mohammed Afzal Guru, the mastermind behind the December 13, 2001 attack on Parliament House, should be hanged for committing an unpardonable crime against the nation. While it is expected of professional human rights activists looking for self-publicity to plead the case for social malcontents who deserve to be put down without the slightest trace of remorse, it is shocking that politicians of a particular tribe should try to slyly convert a court-ordained punishment for a despicable act into a communal issue. The raucous demand that the state should pardon Mohammed Afzal Guru voiced by politicians in Jammu & Kashmir, following the sinister threat held out by separatists that if this man is sent to the gallows there shall be widespread violence, neither does justice to those who died in the attack on Parliament House nor does it strengthen India's fight against terrorism. Worse, it only shows how tenuous is their commitment to the republican ideals of democratic India; conversely, it also demonstrates their proclivity to trade national interest for a fistful of votes. It is against the backdrop of such cynical politics that we must view the mercy petition submitted by the wife and brother of Mohammed Afzal Guru for a presidential pardon. There is no cause for surprise that the man sentenced to death has refused to append his signature to the petition: Like all true jihadis, he believes that terrorism fetches glory to his faith; and, that there is greater glory in becoming a 'martyr' to the cause. He is welcome to his warped notions, and they need not distract us from the fundamental point - he has committed a heinous crime and must pay for it with his life. Nothing less than that shall suffice the cause of justice as well as sending out a clear, unambiguous message to other members of his ilk.

The President has forwarded the mercy petition to the Union Government, which, in turn, has begun consultations with the Delhi Government. The gravity of the crime demands that the petition should be rejected with the contempt it deserves. To even waste time and effort on considering the merits of the appeal would be tantamount to heaping insult on the memory of those who sacrificed their lives defending the very symbol of democracy in India. There is no dispute over the judgement; indeed, even Mohammed Afzal Guru's accomplice who escaped the noose has acknowledged that the man is guilty. Unless the Government rejects the mercy petition immediately so that Mohammed Afzal Guru can keep his date with the hangman, all the wrong signals will go out - to jihadis and their masters in Pakistan. Contrary to what is being claimed, allowing him to live for a day longer than October 20 would strengthen the hands that toil to destroy our nation. In the past, the Government has shown commendable determination by refusing to be swayed by lib-left mumbo-jumbo and despatching killers like Billa, Ranga, Maqbool Butt, Harjinder Singh 'Jinda' and Sukhdev Singh 'Sukha', apart from those involved in Mrs Indira Gandhi's assassination and perverts like Dhananjoy Chatterjee, to the other world. If, by any chance, it is unable to summon equal determination this time, let it draw inspiration from another execution - that of Mir Aimal Kansi, a Pakistani, who killed two CIA staff outside the agency's headquarters. In due deference to Pakistani sentiments, the Americans shipped his body home.

Courtesy - The Pioneer

Pressure doesn't help

A plea for clemency or mercy is exactly what the term suggests, there can be no "arguments" in its favour, and pressure can actually prove counter-productive. That is why all that is going on Srinagar in the wake of the issue of warrant of execution against Mohammad Afzal is becoming so complicated and bringing into a play a whole lot of factors that do not fit the "mercy" bill. Giving rise to suspicions that the sparing of the life of the mastermind of the attack on Parliament House is of less concern than the mileage that some are seeking to extract from it. While this was only to be expected from violence-indulging separatist outfits and their militant partners, it is a pity that certain "mainstream" politicians are also joining the fray. Mehbooba Mufti claims this is "not the right time"

since it will impact the peace process, but accepting that argument would mean allowing killers to dictate policy. That the chief minister now echoes her testifies to how high the political stakes have been raised ~ perhaps his only valid point is that a less sensitive date should be set for the execution.

The due process of law has been gone through and politics must not be allowed to impact on judicial verdict. The legal community would also be required to take note of the conduct of the Kashmir Bar Association, not for the first time has it been highly questionable. And the CPI-M's local stalwart expressing "shock" at the execution order raises the query if the terrorist strike at the temple of Indian democracy was anything other than shocking.

It is a difficult time for the President (and his advisers) nominally, actually the Central government. This is the first time that the death sentence has been handed down for Kashmir-related terrorism, and to dilute an order that has stood judicial scrutiny at the highest level would confirm the impression of a "soft state". As well as boost the militants in that they will feel their threats worked. At the same time India does not stand for vengeance. A mercy plea ~ if submitted ~ will have to be decided on the nature of the petition that is formally tendered to the President, not on the drum beating of others. It is tragic that things have needlessly been pushed to the brink. This is no way to counter terrorism.

Courtesy - The Statesman



The nation cries: No clemency for Afzal

It is regrettable that a person like Shri Ghulam Nabi Azad holding a responsible office of Chief Minister should demand clemency for Mohammad Afzal sentenced to death by the highest court of the country for the crime of treason. Congress seems non-plussed to take a stand while Left parties have come openly in support of this condemned criminal. The whole nation is united in showing no leniency to him.

LK Advani supports Afzal's hanging

Senior BJP leader LK Advani has said Mohammad Afzal Guru, convicted in the Parliament attack case, should be executed.

"The BJP is of the view that no leniency should be shown to any terrorist indulging in anti-national activities. BJP expressed this view after the assassination of Prime Ministers Indira Gandhi and Rajiv Gandhi also", he told mediapersons at Bhopal.

Congress not serious about terrorism: Rajnath Singh

BJP National President Shri Rajnath Singh has said Azad's action shows that ruling Congress was "not serious" about fighting terror." He also slammed the Left for seeking a review of the death sentence awarded to Afzal.

"This shows, both of them (the Congress and the Left) treat the issue very lightly," the BJP leader remarked.

BJP condemns J&K CM seeking pardon for Afzal

BJP strongly condemns J&K Chief Minister Gulam Nabi Azad's request seeking pardon to Afzal, who has been held guilty by the highest court and awarded a death penalty. The Congress has always been soft towards terror and sympathetic towards terrorists for its vote bank politics. But the nation stands shocked that the Congress CM makes such a request for the terrorist, who was conspirator of a terror attack on Parliament - A symbol of democracy and Indian sovereignty. Those, who are asking for pardon should

actually apologise to the nation for insulting the brave security guards of the Parliament complex, who laid their lives fighting these terrorists.

If the Government is concerned about the terrorists then why should anybody die for the nation?

Family members of the five Delhi Police personnel, who were killed in the December 13, 2001 Parliament attack, on October 3 met President APJ Abdul Kalam with a memorandum requesting that the mercy petition filed by the family of Mohammed Afzal should not be considered.

Calling the attack on Parliament an unnerving act, the families stated in the memorandum that if Afzal was given compassionate attention, it would send out the signal that India was soft on terrorists, who have already made a mockery of the law.

The delegation included Shri Sardar Singh and Smt. Bimla Devi (father and widow of Head Constable Shri Om Prakash), Smt. Jayawati and Shri Vipin (widow and son of Head Constable Shri Bijender Singh), Shri Bacchu Singh (son of Head Constable Shri Ghanshyam Patel), Shri Karamveer (son of Assistant Sub-Inspector Shri Rampal Singh) and Smt. Ganga Devi and Shri Inderjeet (widow and son of ASI Shri Nanak Chand). An angry Smt. Ganga Devi said, "*ek baar uske bachon ko anath to hone do, phir pata chalega ki kisi apne ko khona kaisa hota hai* (Let his (Afzal's) kids be orphaned, then the family would feel the pain of the loss we are suffering".

In the past 59 years, many had laid down their lives for the nation and if the Government had any respect for them, it would not give a lift to the terrorists, they said.

Pardoning Afzal, a disastrous move

BJP National Spokesperson Shri Prakash Javadekar has strongly condemned J&K Chief Minister Gulam Nabi Azad's request to seek pardon to Afzal, who has been held guilty by the highest court and awarded the death penalty. The Congress has always been soft towards terror and sympathetic towards terrorists for its vote bank politics. But the nation stands shocked that the Congress CM makes such a request for the terrorist, who was conspirator of a terror attack on Parliament

Culprit should not go unpunished

BJP Jammu State Vice-President Prof Hari Om regretted that despite being a sitting MP and a former chief minister, Dr Abdullah was indulging in the game of one-upmanship for petty political gains and going beyond the confines of his duties. It was unfortunate that Chief Minister Shri Ghulam Nabi Azad, the PDP, the National

Conference and other valley-based parties were mounting pressure on the President to let the culprit of the attack on Parliament go scot free, he said.

Prof Virender Gupta, president of the Jammu Mukti Morcha (JMM), has condemned the statement of Shri Azad and leaders of his party's coalition partner, the PDP, seeking clemency for Afzal. Shri Gupta said such statements amounted to endorsing and supporting the terrorists and secessionists operating in Jammu and Kashmir.

Terrorism should not be inspired by petty politics

Reacting to the demand of presidential pardon for the terrorist, BJP spokesperson Shri Ravi Shankar Prasad said in India the capital punishment was duly recognised as a mode of punishment given in the rarest of rare cases. He further said, "Terrorism means senseless killing of innocent people and an attack on Parliament means an attack on India itself. Therefore, the apex court had taken the decision after a three-tier judicial scrutiny."

BJP Minority Morcha President Shri Tanvir Haider Usmani also condemned Jammu and Kashmir Chief Minister Shri Ghulam Nabi Azad's reported efforts to get remission in the sentence of Afzal. He said such kind of gestures by Shri Azad and the Congress towards terrorists would encourage anti-national forces.

BJP Vice-President Shri Mukhtar Abbas Naqvi condemned the PDP's mercy calls for Guru. Shri Naqvi said, "Such voices show that the Congress and its supporters have a soft approach towards terrorists and separatists,"

Afzal – a hardcore terrorist

Senior BJP Leader and former President Shri M. Venkaiah Naidu took strong objection to 'some pseudo-secularists and Left-backed groups' pleading for commutation of his death sentence.

These people were nowhere when there were attacks on Ayodhya, Varanasi and Akshardham, but are trying to save the life of a convict who is a hardcore terrorist, he protested.

The laws are framed to protect citizens from victimisation but not to protect the perpetrators of terrorist acts. "Any body speaking in favour of Afzal is doing a disservice to the nation," Shri Naidu said.

No leniency for Afzal

Even as the Congress has desisted from taking an official position on the mercy petition of Mohammad Afzal, party leaders have begun voicing their opinion against Jammu and Kashmir Chief Minister Ghulam Nabi Azad seeking Presidential clemency for Afzal. AICC

general secretary Shri Digvijay Singh opposed pardon for the militant. He said Afzal had been found guilty by the court in the Parliament attack case which was a serious matter. "There is no room for leniency in such cases," he said.

Mumbai BJP protest clemency demand for Afzal during PM visit

BJP workers on October 6 shouted slogans against the demand of clemency to Mohammad Afzal Guru, as Prime Minister Manmohan Singh's cavalcade passed through Central Mumbai.

The protests were held at the T Junction in Dharavi, while the Prime Minister was on his way to IIT Powai after inaugurating the new SEBI building here. "Every terrorist has to be given punishment according to the law of the land. We specifically condemn the actions of the Jammu and Kashmir Chief Minister Gulam Nabi Azad who has asked for withdrawal of the death sentence," BJP City Unit Chief and MLA Prakash Mehta said.

Ghulam Nabi Azad glorifying terrorism

Former Union Minister Shri Vijay Goel has condemned J&K Chief Minister Shri Ghulam Nabi Azad for glorifying terrorism. He said the demand by Shri Azad is highly deplorable and will be a grave injustice to those martyrs who laid down their lives while protecting the honour of the Parliament House. Shri Nabi's statement violates the very concept of our nationalism and national integrity. Only an anti-nationalist can make such statements. In fact this is the very stand that the military dictator of Pakistan has taken.

Other Voices

Mangat Ram Sharma, former Deputy CM and now health and medical education minister, J&K Congress-led Ghulam Nabi Azad government: "Mohammad Afzal is the conspirator for attacking the highest seat of our democracy and I feel very sad that some political leaders are making an issue out of it. Perpetrators of the violence should not be spared. (When asked to comment on the statements attributed to Chief Minister Azad, seeking clemency for Mohd Afzal): "If Azad has said this, I do not agree. Any person who loves the nation will not agree with any such statements. PDP or no PDP, if they say something anti-national, we are not going to side with it like mute spectators. Perpetrators of violence and killers of innocents should not be spared at any cost. All of them should be hanged. The protests in support of Afzal are ridiculous. The law should be allowed to take its course.

Sunder Singh Patel, son of Delhi Police Head Constable Ghanshyam Patel, who lost his life in Parliament attack: "After

seeing the support from human rights and political groups for a terrorist, we feel cheated. This is not what my father laid down his life for."

Awadesh Kumar, husband of Kamlesh Kumari, a CRPF constable, who lost her life in Parliament attack, and was awarded Ashok Chakra, the highest civilian award for bravery: "Mohammad Afzal was involved in the attack on Parliament. His role was established and the trial took place from a lower court to the Supreme Court. Now why all of a sudden, the human rights groups and political parties have started raising their voice? I simply wonder where they were when my wife was killed, leaving a daughter in my lap, crying. Today Mehbooba Mufti, a partner with Congress, is siding with him. I want to know did she ever bother about my daughter who became an indirect victim of the terrorists? I can't believe it when I see and read that even political parties and Jammu and Kashmir Chief Minister Ghulam Nabi Azad have been favouring clemency for him. I feel proud that I am the husband of Kamlesh, but if clemency is granted, I will regret that she wasted her life."

Kashmir Samiti, a Kashmiri Pandit organisation: The Central Government and the Congress leading it must explain their clear cut stand on the matter. No mercy should be shown to Afzal Guru since he was involved in a conspiracy to blow off Parliament, the symbol of India's democracy

Sharad Yadav, President, Janata Dal (United): (On Ghulam Nabi Azad making a clemency plea to the PM on behalf of Mohd Afza): "This is not proper for a party or leader to make such a demand. Only his family members can seek mercy."

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