

Eid greetings to all

Let it be a harbinger of better tomorrow

EID-ul-Fitr, the biggest religious festival of the Muslims all over the world, is here once again to beam the intrinsic message of peace, tolerance and fraternity.

The day comes to remind us that in the eyes of the Almighty everyone is equal and Muslims have to uphold this message of Islam through practice.

Eid-ul-Fitr this year is being celebrated in Bangladesh with some dark clouds hovering over the nation as it remains splintered on certain political issues of importance.

However, the silver lining in the dark cloud came in the form of the Nobel Peace Prize that Dr. Muhammad Yunus and Grameen Bank received this year.

However, the nation has to take further steps to eradicate poverty that has pervaded the lives of millions in the country.

We wish our readers a very enjoyable Eid. Let us share the happiness of the day with everyone in society.

High stakes in the dialogue

Shun the path of confrontation

THE eagerly-awaited and supposedly climactic round of talks between BNP Secretary General Abdul Mannan Bhuiyan and his AL counterpart Abdul Ja'il is taking place today.

Although at the end of each encounter, both sides claimed to have made some headway in the talks, no specific detail was released to the press about it thereby raising doubt whether the one-to-one engagement was being directionless.

The point we are trying to drive home is while so much of the nation's time, energy and emotion has been invested in the dialogue process, the latter cannot simply be allowed to founder on the rock of any narrow partisan spirit.

Running parallel to the dialogue process is an ominous-looking drift towards confrontation. Both sides are preparing for a showdown in the street, if the talks, now centred on one issue, namely that of doing away with Justice KM Hasan as the chief of the caretaker government, should fail.

All these raise the stakes in the talks further. The choice before the ruling and opposition parties is between sanity and insanity, between equanimity and disaster.

Hoping for a miracle



M ABDUL HAFIZ

THE quintessence of the much-touted political dialogue about the opposition's electoral reforms proposals has only been a bit of surrealism on an amorphous structure.

When it took off at long last it groped for direction which scarcely came forth in concrete terms from party sources or any other quarter.

In the meantime, the voluble party leaders on both sides kept throwing innuendoes at each other like missiles -- thus vitiating the

PERSPECTIVES

The question has so far been widely debated, both in favour of, and against, the establishment's scripted arrangement. Both sides appear to have stuck to their guns, for the stakes are high indeed.

ambience for dialogue. The pungency of the prime minister's remarks directed at her opponent is anything but conducive to the efforts to reach an understanding on the vital national issue of holding free, fair, and credible election.

Where do we go from here? With every passing day, the political crises surrounding the next general election are assuming more and more complexity. The people, steeped in despair, tend to clutch at any straw to seek relief from the continuing agony of uncertainty, and a looming political conflict.

Many have hinted at Professor Yunus as a possible saviour. But doubts abound as to whether his expertise would, in any way, enrich the country's politics -- notwithstanding a singular success in his own sphere of specialization, i.e. poverty alleviation.

In an euphoric outburst, a Yunus fever has taken things by storm, and suddenly the dialogue has lost

PERSPECTIVES



Several consecutive elections, credibly conducted, can produce the results desired by the likes of Professor Yunus. The issue facing the nation at the moment is that of a credible election.

There was the need for dialogue on electoral reforms so that the people are free to elect the legislator of their choice, and the wisdom of their choice has amply been exhibited in the past.

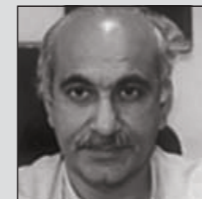
This dynamic of politics has only to be revitalised through credible election, which is a dependable process of political catharsis. It invariably churns out only the very best, and filters out the fake, pseudo, and unwanted politicians.

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Brig (retd) Hafiz is former DG of B.I.I.S.S.

Some happy Diwali, Eid thoughts

BYLINE



M J AKBAR

The Eureka moment came at around four in the morning in Kolkata. I was in my room at Sonar Bangla, one of the finest hotels in Asia, and had flicked open the television after sehari, the pre-dawn meal before the Ramadan fast.

Zee Music. That song comes punctually at 4. I can say this with some certainty since they do not change either the sequence or the selection of songs at that hour, safe in the knowledge that both shareholders and executive directors are fast asleep.

You might, in the bargain, end up also watching a song from Rajendra Kumar, who never used a word he could not describe with his fingers; or, at the other end of the scale, Bharat Bhoshan -- the only part of his body that moved when he was singing songs was his hair, in response to either a river breeze or the studio pedestal fan.

But our bygone heroines projected realism. Their body and body language belonged to the soil of India. Their fleshy contours are visible in any respectable Indian restaurant or market.

Their sex appeal is a figment of some marketing imagination, a page out of a glossy magazine that tells more lies than politicians in campaign mode.

their exterior is pawned to motives that are ulterior. A Meena Kumari or an Asha Parekh was never embarrassed by the natural waves of soft flesh. Nobody ever caught them in a gym with latex underwear.

This air of unreality is seeping over all forms of entertainment. Take the Champions Cup coverage on television. There is a perfectly sensible anchor, Charu Sharma, but each time he gets to the third sentence he is interrupted by his co-host. Her most penetrating comment on the state of the game is "I told you! I told you!"

There is one cricket commentator who is so unreal he is unworlthy: Navjot Singh Sidhu. No marketing genius could have invented him.

He is a natural. He used to whack the cricket ball quite a bit once. These days he punishes the English language. His technique may not have changed. In the old days he decided what he needed to do with a delivery before the bowler had bowled it.

The curious thing is that Sidhu's other job is as a full time Member of Parliament, representing Amritsar for the BJP. I have often wondered what would transpire at a meeting between Atal Behari Vajpayee, Lal Krishna Advani, Murli Manohar Joshi, Rajnath Singh, and the young guard of Arun Jaitley, Sushma Swaraj, and Sidhu.

A grim Rajnath Singh opens the meeting with bad news from Uttar Pradesh. The party could even sink to fourth place in the next Assembly elections. Vajpayee looks at his

hands, silently. Advani looks thoughtful, and then looks away. Joshi adjusts his scarf. The silence gets heavier by the second. Sidhu picks up the silence and smashes it into smithereens.

"UP is difficult, but if we draw a parabola between Ferozabad and Lakhimpur Kheri, withdraw all resources from Allahabad and Kanpur, and concentrate on..."

Joshi splutters: how dare anyone withdraw resources from Allahabad, his constituency, which he would have won handsomely if everyone had not conspired against him!

Sidhu intervenes. "He who withdraws from battle is going to get stuck with the cattle! Charge on, I say, and send the bill to Bombay!"

Vajpayee closes his eyes in deep meditation; Advani has shifted his thoughts to Deen Dayal Upadhyay; Rajnath Singh's mouth is now open to the extent of two inches and Joshi is suddenly looking defeated.

Sidhu's sidhuisms echo eerily across an empty hall. "UP is difficult, but if we draw a parabola between Ferozabad and Lakhimpur Kheri, withdraw all resources from Allahabad and Kanpur, and concentrate on..."

South, with cross-border help from Madhya Pradesh, so that we can remain the Number Three party."

"Oooooooooooooooooooooooh! You can carry the cross to the water, but can you cross the water with the horse?" That is the question, my friends, and unless India answers that question, I say, numbers are as numb as a dumb charade!

Vajpayee and Advani look briefly at each other. Nothing is said, but their eyes indicate that they are utterly grateful that neither is president of the BJP at this fateful hour.

Joshi announces his retirement from politics, but only after he has completed his current Rajya Sabha term. Rajnath Singh gets up and hands over charge of the UP elections to Sushma Swaraj.

"Ho ho ho!" says Sidhu, his voice at its excitable best. "He who fights and runs away, lives to fight another day! But the boy who stood on the burning deck was lost to flames but not to fame!"

Jaitley leaves the party office and goes on a long Diwali holiday. Sidhu's sidhuisms echo eerily across an empty hall.

M J Akbar is Chief Editor of the Asian Age.

Why Afzal shouldn't hang



PROF. PRAFUL BIDWAI writes from New Delhi

Consider the facts. Afzal was not the mastermind or chief conspirator in the Parliament attack. He didn't commit murder or participate in the attack. Yet, he was sentenced to death for murder (Sec 302 of the Indian Penal Code), waging war against the state (Sec 121 and 121A), and criminal conspiracy (Sec 120A & B).

pharmaceutical effect" on the elite. Pharmacy is derived from the Greek pharmakos -- "humans sacrificed to the Gods in times of crises."

A section of Indian society wants just such pharmaceutical relief through the hanging of Mohammed Afzal for the Parliament House attack of 2001.

A medieval lynch mob is being mobilised through lurid media stories which say the families of the victims of the attack cannot get justice unless Afzal is hanged.

It is unspeakably sad that rank blood-thirst and chauvinist ultranationalism are disguised as an innocuous demand for justice. All manner of arguments are cited to claim that the president has no power to pardon Afzal.

However, former Solicitor General TR Andhyarujina has clarified that the power of pardon is not an individual act of grace, but is an integral part of the criminal justice system and India's constitutional scheme. It doesn't interfere with the courts.

The president is entitled to re-appraise a case, and come to a conclusion different from the court's. The purpose of the clemency power is to ensure that "the public welfare would be better served by inflicting less punishment than what the judgment has fixed."

President Kalam, acting on the cabinet's advice, should take a fresh look at Afzal's case. It is his constitutional and moral duty to ensure that there are no grey areas in the evidence on which Afzal was convicted.

Consider the facts. Afzal was not the mastermind or chief conspirator in the Parliament attack. He didn't commit murder or participate in the attack. Yet, he was sentenced to death for murder (Sec 302 of the Indian Penal Code), waging war against the state (Sec 121 and 121A), and criminal conspiracy (Sec 120A & B).

The punishment is, prima facie, excessive and disproportionate. The investigation was completed in just 17 days by Assistant Commissioner Rajbir Singh of the Delhi police's anti-terrorism "Special Cell."

Huge gaps remain in the sequence of events, links between Afzal and the claimed masterminds (Jaish-e-Mohammed's Masood Azhar and Ghazi Baba), and the attackers' identity.

Commissioner Rajbir Singh of the Delhi police's anti-terrorism "Special Cell." A self-confessed "encounter specialist," Singh stands disgraced for extortion and corruption.

insurgency, it is hard to pinpoint crime and complicity. And it's a mystery why the police knew nothing about the activities of a closely-monitored surrendered militant.

Circumstantial evidence of Afzal's involvement in conspiracy hinges on the recovery of explosives, and crucially, on records of cell phone calls to the five attackers.

However, the police couldn't explain why they broke into Afzal's house to recover explosives during his absence -- when the landlord had the key.

The cell phone record traced several calls from the five men to number 98114.89429 -- allegedly belonging to an instrument seized from Afzal. The instrument had no SIM card. The only identity mark was its IMEI number, unique to each instrument.

How did the police discover the IMEI number? There are only two ways: open the instrument, or dial a code and have the number displayed. But the officer certifying the recovery swore that he neither opened nor operated the instrument.

Besides, the claimed dates of purchase of the phone (December 4) and its first recorded operation (November 6) don't match!

This large grey area in the evidence puts a big question-mark over the conclusion that Afzal must be awarded the severest punishment.

Afzal's personal deposition describes how he was drawn into secessionist militancy, but got disillusioned. After surrendering he was harassed and subjected to extortion by the STF.

Afzal's death sentence violates the Supreme Court's guidelines, which say that sentence should be awarded in "the rarest of rare cases" -- when a murder is extremely brutal, grotesque or diabolical, or targets a community or caste.

The judiciary has often distinguished between an act's commission and conspiracy to commit it. Nathuram Godse was hanged for Gandhi's assassination, but not his fellow-conspirator Gopal.

In the Purulia arms-drop case - India's worst-ever security breach -- the state commuted the

life sentence of six men. Five ethnic-Russian Latvians were freed at the Russian government's request. Peter Bleach was freed in 2004 at the urgings of British Prime Minister Tony Blair.

The reasons for releasing them involved political relations with foreign governments. In Afzal's case there are more persuasive reasons.

The government must apply the "public welfare" test and take a statesman-like view based on a compassionate and humane vision.

Finally, we must recall the all-important moral argument against capital punishment. It violates a principle at the heart of any civilised society -- prohibiting the planned killing of a person.

Capital punishment does not deter heinous crime. All legal systems are fallible. It's immoral to extinguish a human life by assuming the opposite.

Praful Bidwai is an eminent Indian columnist.