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Do away with the death penalty

The rape verdict may be cathartic, but it is no deterrent

Five years after a young paramedic was gang raped and murdered in Delhi by six men, one of them a minor, the Supreme Court on Friday upheld the Delhi High Court and the trial court's decision to award the death penalty to the four eligible convicts. One of the accused had committed suicide while in jail and other, who was a minor at the time of the offence, was granted three years in a correction facility. This death penalty verdict, as expected, will be seen in positive light by most, especially the family. It will be a catharsis for them. **ourtake**

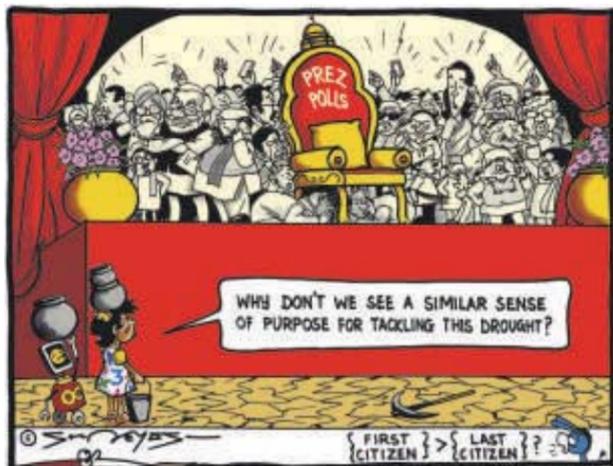
This is understandable, they were the ones who lost a loved one and had been struggling to come to terms with the dreadful incident. But much as they and many other people rejoice after the verdict, capital punishment is not the answer even in the rarest of the rare cases, and India must abolish this system.

There are many countries such as India, which cite the death penalty as a way to deter people from committing crimes. But this claim has been repeatedly discredited, and there is no evidence that the death penalty is any more effective in reducing crime than imprisonment. An Amnesty International report says that some of the countries executing the most people have unfair legal systems. The 'top' three executing countries – China, Iran and Iraq – have often issued death sentences after unfair trials. Many death sentences are issued after 'confessions' that have been obtained through torture. In many countries, an accused is more likely to be sentenced to death if he is poor or a minority because of biases in the system. Also, poor and marginalised groups have less access to the legal resources to defend themselves.

Even with the option of capital punishment, rapes have not decreased in India. According to the National Crime Records Bureau, there has been only a marginal reduction in crime against women in 2015 as compared to 2014. The Law Commission too has recommended abolition of the death penalty for all crimes other than terrorism-related offences and waging war. No less a legal luminary than the late JS Verma, who overhauled the laws on gender violence, and was also the chief justice of India and head of the National Human Rights Commission, was against the death penalty. It's time India abolishes this inhuman law and focuses on implementing laws on gender violence with single-minded determination.

bigdeal

SHREYAS NAVARE



anotherday

NAMITA BHANDARE

Hyper-nationalism does nothing to help the Army

As soon-to-be-launched news channel has declared public enemy #1. Not poverty, disease or illiteracy, it's Pakistan. The channel isn't on air, but if you watched the news on other channels this past week, you'd imagine that war had been declared as retribution for Pakistan killing and decapitating two of our soldiers – not for the first time. News channels went into overdrive, and a senior officer had to clarify. No, he told

Hindustan Times, India had not destroyed Pakistani bunkers and killed several soldiers. "They [TV channels] go ballistic without asking us anything," said the unnamed officer. It wasn't just hyperventilating channels. Political parties too were piggybacking on public outrage. Ironically, the BJP, which not so long ago was accusing the then ruling UPA of weakness with regard to Enemy State Pakistan, was now fending off the same theatrical accusations (including the

predictable wearing of bangles, presumably a sign of weakness since they are worn by women).

This noisy media-public-politician caucus is placing our army at the edge of dangerous hyper-nationalism. Even otherwise restrained anchors swore not to invite Pakistani enemies on their shows, because, after all, who wants to be seen as anti-national? Never mind that journalism means listening to all sides.

The pitch is so high that any questioning of army action, no matter how legitimate, invites abuse. When Lt Gen H.S. Panag questioned the army's decision to tie an alleged Kashmiri stone-pelter (he was trolled to the front of an army jeep, he was trolled on social media. The tenor of chatter on Whatsapp and email groups of retired officers was triumphant. "Ironically, many had been hard task masters and upholders of human rights while in service. It's as if, in keeping with changed times, they had given in to baser instincts," says General HS Panag.

Elsewhere, anchors saw the action as a masterstroke that helped avert a bloodbath

instead of asking the obvious question: why parade him for four hours?

"Media should be asking about lapses with regard to Sukma and the decapitation of soldiers," says General Panag. Instead, it's joined the '10 heads for one' chorus.

We do the army no favours by placing it on a pedestal from where it cannot be asked legitimate questions. We do it no favours when we seek to draw it into an emotional public debate.

Military action cannot be based on populist sentiment; wars are not fought and won in TV studios. A solution, when found, will not happen by placing hot emotion over cool strategy.

Those who feel strongly about supporting the army, including our loquacious anchors, need not feel disheartened. There is a place for citizen action. It is here: <https://www.bharatkeveer.gov.in/index.php>, Happy donating.

Namita Bhandare writes on social issues and gender. The views expressed are personal

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BARKHA DUTT



It has never been so hard to have an honest conversation about Kashmir

All the gains of the past 10 years have been frittered away by successive governments

A few days before Hizbul Mujahideen militant Burhan Wani was killed in an encounter with security forces I travelled through the interior villages of South Kashmir, the epicentre of new militancy in the state to try and understand the changing nature of violence. Why were educated and increasingly radicalised young men, some of who were school toppers, picking up the gun? Why were their families, many of whom were government employees, willing to see them die rather than turn them in?

An effective counter-insurgency grid had brought down the number of Pakistan-trained infiltrating and operational militants from across the Line of Control to below 200. So why was there a sudden resurgence in local militancy? The brave and beleaguered Jammu and Kashmir police force had been trying to draw New Delhi's attention to the warning signs for a while. In 2015 its internal survey warned that for the first time in ten years local militants had outnumbered foreign terrorists making up 62% of the total. The overall numbers were not very high but the pattern itself was alarming and needed emergency intervention. As the report warned "The new trend reveals that terrorist cadres have influenced the impressionable youth, a significant number have gone missing in recent past." Because it involved local communities the challenges this threw up were much more insidious than battling hundreds of Lashkar-e-Toiba terrorists. Already, the nature of street protests was changing, with women fronting them and sometimes even over-running security posts and snatching away weapons. But denialism is the disease that has plagued the Kashmir crisis more than any other; every opportunity

to make things better has been a lost one. And these cautionary tales were either ignored or underestimated.

Today, as thousands of security personnel lead one of the largest search and cordon operations in Shopian, the valley's Apple belt, they are seeking "area domination" to hunt down local militants with house to house investigations. While restoring the writ of the state is critical, operationally this is a throwback to the nineties, a disturbing turning back of the clock and more proof that all the incremental advantages of the past ten years have been frittered away by successive central governments.

Yet, it has never been so difficult to have an honest conversation about Jammu & Kashmir. Every stakeholder, on all sides of the trenches, wants to co-opt you; the real absence of 'azaadi' is reflected in this blinkered vision that prevents people from seeing things as they are. The high-pitched calls for 'nationalism' from prime-time studio warriors (most of whom have spent little or no time in Kashmir) have ironically reduced the very soldiers they claim to protect to cannon fodder. For instance, it's not the job of India's Army to control restive and violent crowds of protesters; especially not when they have another front open at the Line of Control where Pakistan's army has escalated conflict with the beheading of two soldiers. In the past, Army commanders I know have firmly declined to be pitted against the locals. Why should failed politics take shelter behind the uniform? Why should soldiers or policemen carry the cross for the lack of political imagination? Why should Governors' Rule not be imposed in a state where law and order has collapsed? And when will we admit that things have never been as grim, intractable and difficult to unknot in the Kashmir valley



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WASEEM ANDRABI/HT PHOTO

as they are today?

How, for instance, do we understand, why 20-year-old Ishaq Parry whose academic excellence earned him the name of Newton (after Isaac Newton) aspired to be a doctor, but died a militant. At his modest village home his family showed me his book shelf still stacked with tomes on chemistry & physics and his A-grade report cards. His sister is married to a police officer; his elder brother is unemployed with a M.A degree. But Newton's father told me militancy had little to do with jobs and opportunities. "Newton was brilliant; he could have got any degree, any job he wanted." Other parents sent their sons away from Kashmir thinking distance would

be a curative- like Abdul Rashid Bhat, the father of Burhan Wani's successor, Zakir Bhat. Abdul Rashid, a government civil engineer sent Zakir to an engineering college in Chandigarh. He too excelled at studies and his father proudly showed me certificates of national carom championships Zakir had won. None of this stopped Zakir from picking up the gun.

Laptops instead of stones, as the Prime Minister once proposed, won't change much. The problem is elsewhere. And Kashmir is staring down an abyss.

Barkha Dutt is an award-winning journalist and author
The views expressed are personal

TESTINGTIMES

The AAP dream has failed Delhi's schools

The state's own institutions were ignored and no one dared to criticise this, for the price of candour was high



KRISHNA KUMAR

The defeat of Aam Aadmi Party (AAP) in the recent municipal elections in Delhi marks the end of an unusual dream. Normally, you see a dream just once; if you wake up in the middle, you can't continue it when you go back to sleep. The special thing about the AAP dream is that people dreamt it twice.

Its first run lasted 49 days. In mid-February, 2014, when Arvind Kejriwal resigned, many were disappointed but few were disillusioned. This is why the dream mustered a second run, a year later. Political circumstances were tougher this time, but the AAP dream came back with stunning passion. Two years on, the memory of that victory fills the mind with a sense of loss – of time and faith. AAP was hardly a political formation; it was the energy its birth and surge had emitted that mattered.

Within weeks, the spirit started to mutate. In a drastic move, the party expelled three of its eminent colleagues, known for their intellectual acumen. The government started fighting with the Lieutenant Governor over one after another question of turf. Education was outside this turf war. Rescuing Delhi's crumbling system of education presented a positive opportunity for the AAP government to show its spirit.

It did grab this opportunity, but used it in bizarre ways to deepen the mess. It ignored the state's own pedagogic institutions and outsourced the reform agenda to mega-NGOs. Technological solutions were favoured over confidence-building among teachers. No one could dare to criticise, for the price of candour was high.

Two decisions are worth going into some detail. One was to cut down 25% of the syllabus and textbooks, ostensibly to reduce curriculum load. No one in power seemed to know that the textbooks currently in place were designed – by the country's apex advisory body – specifically to solve the problem of curricular burden. Precious time and effort was wasted to identify dispensable lessons. Experts who resented the decision to delete chapters were charged of being out of touch with reality.



Two years on, the memory of that 2015 victory fills the mind with a sense of loss – of time and faith.
SUSHIL KUMAR/HT PHOTO

Then came the decision to divide school children into three separate groups on the basis of their academic performance. Someone had just discovered the miracles of ability grouping. This idea had died overseas half a century ago, but Delhi didn't mind using it to experiment with children of the poor. My own trainee teachers told me how humiliated and alienated the children placed in the third group – euphemistically named 'vishwas' – felt at school.

Two months ago, I was pleasantly surprised to receive a packet containing past exam papers used in elementary classes. The covering letter wanted me to analyse them and suggest alternatives. My submission was never acknowledged. I first attributed this to the Punjab elections. Later, I felt exam reform must be another passing thought.

AAP's failure to handle education may be a matter of perception. Delhi's dwindling greens and smog offer a clearer case of loss of interest. The Yamuna, the various gardens and parks, the ridge – Delhi has so much nature worth saving. But the city couldn't even save its core icon: the 'Hall of Nations'. It was recently razed to dust overnight though a court had allowed further hearing. The smog will ensure that passers by will not miss the beautiful structure. Its architectural glory must live on in a postal stamp that marked its creation.

The current phase of our aspiration for glory began with the 2010 Commonwealth Games. The Congress was firmly in command of Delhi government. Its elderly leader rejected all criticism of the demolition drive initiated by builders of new structures. In the altered city, AAP's election victories felt as if a patient was determined to scream despite a broken heart.

You need not be a political pundit to figure out that AAP was a party only in name. It will be equally wrong to conclude that it was a movement. AAP's second victory was a mid-summer night's dream. Even in memory, it feels nice to have been fooled, by nobody other than one's own human right to hope. Historian Rajmohan Gandhi was reported to have said that the atmosphere surrounding AAP's surge was reminiscent of the 1920s. He was right, though not accurate. After the Commonwealth Games' disaster, AAP gave Delhi a moment of fantasy. The recent municipal elections imply that the fantasy has passed. If the city wants to exercise its imagination again, it must recreate a sense of community, but this can't be a political project.

Krishna Kumar is former director, NCERT, and professor of education at Delhi University
The views expressed are personal

The world is governed by good people; they need to flock together



Chhaya Srivastava

We normally begin our day with a hot cup of tea and the newspaper. A bright new day that should start with a prayer, sadly takes off on depressing news and reports.

Details of crimes pertaining to murder, bomb blasts, and corruption occupy maximum space in a daily. One often wonders why deeds of a few heartless people become the talk of the hour always. It even reflects upon the minds of good people who congregate to discuss social issues. That's why good people, thinkers, scientists, aca-

demicians should come together and fight against the evils in society. History has witnessed and proved that the world is run by good and wise people. They need to put all their efforts together to bring about positive reforms to combat menaces. It is for each one of us to possess an attitude and speak and act for the right cause.

We keep complaining, but seldom do we think about the solution. We need to stand together and have the inner strength needed to act for the right cause. A strong message ought to be spread that if a few wronged people can create havoc, the worthy ones can quash their intentions. A beautiful and peaceful world is created and run by sane and good people, not by a few devils.

Innervoice comprises contributions from our readers. The views expressed are personal
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