

Abolish the death sentence rather than hanging 'bullets'

ACCORDING TO The Amnesty International (AI), a worldwide movement for internationally recognized human rights, 95 countries in the world have completely abolished 'death penalty' from their laws. AI categorizes 9 countries as 'abolitionist for ordinary crimes' — meaning that those countries may impose death penalty only for crimes committed in exceptional circumstances and 35 others as 'abolitionists in practice' — in that they have not executed anyone in the past ten years. That makes 139 countries as abolitionist by law or practice (more than two-thirds of 197 countries in the world) and leaves 58 nations — including USA, China, India etc. under 'retentionist' category, which may pronounce death sentence for certain 'severe' crimes.

In terms of numbers, 18 countries are reported to have executed 714 people in the year 2009, as against 2,390 executions by 25 countries in 2008. In India, while the correct number of executions since independence is not known with any certainty, what is definitely known is that there have been just two executions in the last fifteen years. One was 'Auto Shankar' in April, 1995 and the other was Dhananjay Chatterjee in August, 2004. Therefore, capital punishment in India, even for a dreaded terrorist like Ajmal Kasab, is termed a 'historic' judgment.

But, Kasab's case is far from over. Even before the death sentence by a trial court was confirmed by a higher court, Kasab has filed an appeal in the Bombay High Court challenging the verdict. And, if death sentence is ratified by higher courts, Kasab could then park himself in the already long queue of mercy petitions pending disposal. His file also may snail-mail between the central and state governments for few years and end-up with some remarks, similar to Delhi government's views on Afzal Guru's case.

While that is one direction of thought leading to discussion on possible timeframe for Kasab's execution, there are other — not so common — views on this case, particularly relating to the death penalty itself.

One view says that Kasab is a lone survivor from the terrorist group that attacked Mumbai on 26/11. When other group members got killed anyway; death sentence for Kasab does not amount to a 'punishment' of any kind. Further, instead of serving as a 'deterrent' (which is what a punishment must do), death sentence in this case assures the perpetrators of terror that survivors from the group, if any, are killed by 'laws of the country'!

Second viewpoint is, 'keeping a terrorist alive is not easy'. Besides the huge cost of maintaining his security, there is a risk that 'masters of the imprisoned terrorist' may indulge in other atrocious acts endangering lives of innocents and may negotiate for his release. This is not at all relevant to inhuman 'masters', because neither the release of captured terrorist is their sole motive nor would the hanging of a captured terrorist put a stop to their heinous activities.

Finally, we may take credit in our legal system for allowing 'fair trial' even to a dreaded terrorist and pat our own backs for speedy examination of voluminous evidences, prior to the delivery of judgment in a record time.

Why spend so much time on 'bullets' and not on dismantling the machinery behind such acts of terror? In fact, why not abolish the death sentence rather than merely hanging 'bullets'?

Source: Economic Times