



Hasina's triumph

After the Awami League landslide, she must repair Bangladesh's bitter political divisions

Bangladesh Prime Minister Sheikh Hasina's party was always going to win Sunday's parliamentary election. She remains immensely popular, her government sought a fresh mandate with a formidable record of economic growth and social progress and her party, the Awami League, set the agenda for the election and dominated the campaign. Still, the scale of the victory would have taken even her supporters by surprise. The party's Grand Alliance won 288 of the 299 seats contested, more than the 234 seats it won in 2014 when the Bangladesh Nationalist Party boycotted the poll. This time, the Opposition coalition Jatiya Oikya Front, led by the BNP, secured only seven seats. But there are conflicting claims about the way the election was conducted. As soon as the results were known, Kamal Hossain, the leader of the Opposition coalition, called it a farcical election and demanded that the Election Commission call a fresh poll. More than 40 Opposition candidates pulled out of the race after voting began on Sunday, alleging rigging. However, the Election Monitoring Forum and the SAARC Human Rights Foundation, which includes both local and international observers, said in its preliminary evaluation that the election was "much freer and fairer" than previous ones. In the past, Bangladesh had seen governments declining to hold elections, one being cancelled and called again, and others being delayed amid violence. This time the election was called on time. Participation was higher, with the turnout at 66%, compared to 51% in 2014.

The challenge before Ms. Hasina is daunting. To begin with, she has to heal a country rattled by political divisions and violence. The government and the Election Commission could have held the election without being open to charges that it was manipulated. There was a crackdown on the Opposition in the run-up to polling day. Pro-Opposition websites were taken down, thousands of activists were jailed, and political violence was unleashed to target BNP members. The situation was so grave that even one of the election commissioners said there was no level playing field. The Election Commission should conduct a fair investigation into allegations of rigging to restore faith in the poll process. Ms. Hasina should reach out to the Opposition. Her otherwise impressive record has been marred by her government's authoritarian character. The victory is a chance for Ms. Hasina to mend her ways, to be more inclusive and run a government that respects the rule of law, the basic rights of citizens and institutional freedom. For India, Ms. Hasina's victory is good news. New Delhi and Dhaka have deepened economic, security and strategic ties under her leadership. This should continue, no matter what the general election outcome in India in 2019.

A liberal move

Rajasthan strikes a blow for democracy by removing educational criteria for local polls

Among the first decisions taken by Ashok Gehlot's government after assuming power in Rajasthan was to scrap minimum educational requirements for candidates contesting local body elections. This is a progressive move and will restore the right to contest, at least in theory, to a large section of the population in the State, where the literacy rate, according to the 2011 Census, was 52% for women and 79% for men. The previous government headed by Vasundhara Raje had stipulated, first through an ordinance in December 2014 and then through the Rajasthan Panchayati Raj (Amendment) Act passed in 2015, educational prerequisites to stand for local polls. It was made mandatory for candidates contesting for the post of sarpanch to have cleared Class 8, and for those in the fray in zila parishad and panchayat samiti elections to have passed Class 10. The move was ill-considered from the very beginning. At the time, the amendment was seen as a bid by the then BJP government to lower the average age of those in the fray based on the assumption that its voters tended to be younger. It was, however, an act of paternalism that militated against the basic assumptions of a liberal democracy. It penalised the people for failure to meet certain social indicators, when in fact it is the state's responsibility to provide the infrastructure and incentives for school and adult education. And it defeated the very purpose of the panchayati raj institutions, to include citizens in multi-tier local governance from all sections of society. These requirements had the effect of excluding the marginalised.

The Rajasthan government's decision should also force a rethink in Haryana, where the newly sworn-in BJP government had, also in 2015, legislated a series of eligibility requirements for panchayat elections, including education levels and a functional toilet in the candidate's home. The Haryana Panchayati Raj (Amendment) Act, 2015 was upheld that year by the Supreme Court in *Rajbala v. State of Haryana*. And the temptation to expand educational eligibility requirements remains. Union Women and Child Development Minister Maneka Gandhi, for instance, has previously spoken of persuading other Chief Ministers to take the cue from Rajasthan and Haryana, as an incentive for women to study. The decision of the new Congress government in Rajasthan should force a recasting of the debate on finding ways and means by which elected bodies are made more representative. In a liberal democracy, governments must desist from putting bars on who may contest, except in exceptional circumstances, such as when a candidate is in breach of particular laws. To mandate paternalistically what makes a person a 'good' candidate goes against the spirit of the attempt to deepen democracy by taking self-government to the grassroots.

Diary of the year to come

A cluster of anniversaries exhorts all Indians to be true to their conscience in 2019



GOPALKRISHNA GANDHI

As one year dips and another dawn, a calendar of anniversaries is un-scrolled. In India, this happens with the hectic intensity of a traffic jam. The year that begins today is the 150th anniversary of the birth of Mahatma Gandhi and the death of Mirza Ghalib.

Hundred years ago

What is it notably the 100th anniversary of? Curiously, not of historic persons as much as of three historic happenings. First, a much-hailed enactment, the Government of India Act of 1919, which increased the participation of Indians in the Government of India. Second, a much-hated law, Anarchical and Revolutionary Crimes Act of 1919, known notoriously as the Rowlatt Act or Black Act, which entrenched war-time restrictions on civil liberties – indefinite preventive detention or judicial review of those suspected of terrorism, trial without juries, jailings without trials. Third, a national trauma that arose from the vortex of protests against the Rowlatt Act – the massacre by army bullets of 379 according to the Raj, and some thousand men, women and children according to the Indian National Congress, at Jallianwala Bagh, Amritsar. Terrorism is wrong, Gandhi and other leaders said, violence evil. But are the civil liberties of a whole people to be frozen? Rabindranath Tagore returned his knighthood a hundred years ago, this year. But scores of other 'Sirs' and 'Rai Bahadurs' did not.

So this is the centenary of so-

mething that brought enchained India some hope, as well as huge despair and, hauntingly, mass death. And it is also the centenary of heroic courage, of sacrifice.

And 50th? This is the 50th anniversary of the Gujarat riots of September-October 1969, that involved massacre, arson and looting said to constitute "the most deadly Hindu-Muslim violence since the 1947 partition of India". Out of the 512 deaths reported in police complaints, 430 were Muslims. Khan Abdul Ghaffar Khan, then nearly 80, visited India that year. A guest of the state and of the people of India, he fasted for three days for communal peace, went to Ahmedabad to see things for himself. In his acceptance speech while receiving the Jawaharlal Nehru Award for International Understanding, he repeated to the audience what a Muslim girl in Ahmedabad had told him: "Muslims were being asked by Hindu communalists to leave the country or live like untouchables." And in an address to a joint session of Parliament, he was brutal in his assessment: "You are forgetting the Buddha." This is the 50th anniversary of that chastisement.

Two sides of 1984

Thirty-five is not a particularly memorable number but when an event is of some moment, its 35th anniversary carries something of that moment's star-dust. This year marks the 35th anniversary of one such.

The year was 1984, the month April. Squadron Leader Rakesh Sharma of the Indian Air Force was going round the earth aboard the Salyut 7 Orbital Station (picture). He was the first Indian to be in outer space. The ISRO-Intercomos Indo-Soviet space programme had put six men into space, five from the U.S.S.R. and our own Rakesh, then all of 35



PIB/THE HINDU PHOTO ARCHIVES

years old. Rakesh received a satellite call from India's Prime Minister Indira Gandhi. She asked Rakesh, "Upar se apko Bharat kaisa dikhta hai? (How does India seem to you from up there?)" Footage shows the hero-in-motion slightly startled by the question but collecting himself in a moment to respond reflectively: "Sare jahan se achha (Better than all the world)." That immortal half-line from Allama Iqbal's song reverberated through the air-waves into millions of homes watching the first-ever Indian orbiting the planet we live in. And as the nation heard and saw him, a sense of India's greatness stirred within it. This year is the 35th anniversary of that dizzy moment.

Not a star twinkles over India as an envious eclipse veils it. We celebrate India only to be checked by our misfortunes.

Orbiting with stars Rakesh Sharma did not know that India had a date with another 'star' within two months that very year – Operation Blue Star, leading to Indira Gandhi's assassination and the killing of anything between 8,000 and 17,000 Sikh Indians at the hands of fellow Indians. Large numbers of Indians reached out to the victims, taking them to hospitals, sheltering them. And, most important of all, documenting their trauma to fight for them another day. But much larger numbers did no such thing. They stayed put, watching with glazed eyes.

This year is the 35th anniversary

of that tragic sequence as well. And so, as we enter another new year, a question to pose to ourselves is: Will India in 2019 look *sare jahan se achha*? Or will it be a blend of pleasure and pain, glory and shame? No one can tell. But if one may have anniversary wishes, this citizen-nobody does.

On this anniversary of hopes and of griefs, of courage and of cowering, we must look at the opportunities that knock at our country's great and gaunt gate. We must make the national elections due in a few months a great example of democratic self-assertion, making the weak self-assert. In 2019 the people of India must vote, even more emphatically than ever before, without succumbing to manipulation and to fear.

Seventy years ago this year, speaking in the Constituent Assembly, B.R. Ambedkar said: "...it is quite possible in a country like India – where democracy from its long disuse must be regarded as something quite new – there is danger of democracy giving place to dictatorship. It is quite possible for this new born democracy to retain its form but give place to dictatorship in fact. If there is a landslide, the danger of the second possibility becoming actuality is much greater."

Why should we be so alert to the danger that he pointed out? Not just because an opportunity has come for effecting a change of government but because far-reaching, liberating changes are needed in the country.

Meaning of liberation

What are these liberating changes? The first is the liberation of our public life from fear. Under Swaraj no less than under the Raj, fear can paralyse dissent, immobilise free speech, free association. It is not just an insecure state but insecure techno-commercial monopolies as well that are uncomfortable with

freedom. Threats to Right to Information (RTI) activists and whistleblowers and attacks on them, trolling of dissenters on social media and even murder, constitute democratic India's single greatest failure, shame. In the eighth decade of its independence, India ought to be afraid of nothing, save its conscience.

The second is the liberation of our politics from the stranglehold of money. Which, in effect, means saving our national resources from the darkness of deceit and exploitation. Money minted by illegal mining, unauthorised clandestine monopolies and brazen preferment has a vice-like grip over our polity, particularly over our electoral politics. Money frustrates democracy, negates it. Ruling parties everywhere say, "Our hands are clean!" The Opposition says, "Show us your pockets." And when they change places, the charge changes direction.

The third – and most difficult – is the liberation of ethics from the hegemony of lifeless conformism. For far too long, centuries in fact, have custom, and callousness overwhelmed conscience in India. Routine and rote rule over humane instincts, making women, tribals, the Scheduled Castes, children, prisoners, the mentally challenged and physically unable exposed to danger. The same dulled sensitivity has rendered our wetlands, rivers, coasts and commons vulnerable to misuse, misappropriation. Whoever be the Asoka or the anti-Asoka on Magadha's throne, India's Bodhi-tree needs an Enlightened One to sit by its root-bed and speak to it now, more than ever before, to be able to say to it to become not just 'sare jahan se achha', better than all the world, but 'apne dil se sachcha', to its own self, true.

Gopal Krishna Gandhi is a former administrator, diplomat and governor

Dead ends of specialisation

With a focus on expertise, polymaths are becoming rare in the 21st century



SUJATHA BYRAVAN

Among scholars and knowledge makers in history, one can identify a large number of intellectuals whose interests lay in seemingly disparate spheres. A poet and philosopher could also be an astronomer, technical innovator and mathematician. A traveller and writer could be a linguist and painter. Consider for instance Al Khwarizmi, Ziryab, Leon Battista Alberti, or Leonardo da Vinci. Each person's many spheres of knowledge created a syncretic world view that contributed to a broad perspective, an easy ability to see connectedness among multiple domains of knowledge of the natural world and human interaction.

One might today refer to these as non-partisan points of view, neither left nor right, or generalised independent scholarship – indeed there seem to be few words to describe such people. While there still are some scholars interested in more than one domain, such as Noam Chomsky or Ramachandra Guha, polymaths are rare in the 21st century. With greater

and deeper development of various fields of science, technology and even the social sciences, specialisation is inevitable and even necessary in the contemporary world. This has no doubt yielded many important, even life-saving results. But, the fetishising of "expertise" and its blinding righteousness contributes to a host of problems that are being called the Anthropocene.

Distinct worlds

While polymaths are not in high demand, I suspect that the increasing call for cross-disciplinary and interdisciplinary knowledge is a recognition of this shortcoming without quite being able to label it. The tragedy of specialisation is that it leads members of the knowledge industry to see little beyond their bulwarks. And indeed, the world views of highly specialised domains are often so distinct that they have created not only disparate paradigms but distinct worlds. It, therefore, becomes difficult or impossible for an economist to appreciate the importance and value of biodiversity or why its loss is a major casualty (unless he or she tries to monetise it), or for an engineer to understand why decentralised solar power that allows greater democratisation among local communities is an opportunity to be grabbed instead of installing large solar parks by me-



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ga-corporations. It also makes it near impossible for a molecular biologist to understand that more targeted and improved ways to cut and paste DNA is not the point being made by those concerned about genetically modified organisms. It is about ownership, biodiversity, science and soils – cross-cutting domains that super-specialists will not be able to see.

Never mind that corporate interests, personal promotion, careerism and pandering to their own vested interests create elite networks of corruption in different academic spheres. And these may of course confound arguments regarding specialisation and intellectual generalists. In a recent article in *The New York Times* Pankaj Mishra writes, "in their lust for power [Alfred Kazin] could see how intellectuals as accomplices of political elites were prone to confuse their private in-

terest with public interest."

With increasing specialisation, what one gets are experts who do not understand the connections between knowledge systems and ways of knowing. Instead of treating an approach to knowledge or a paradigm as simply a heuristic or a framework, they begin to regard it as fixed, offering specific solutions that cannot be argued against and carrying all truth. The limits of each knowledge system are not part of the training and their own blinkers are not apparent to them. Instead, one's own paradigm of analyses turns into the sole framework for study and its outputs the only possible truths.

Current challenges

The principal challenges of the Anthropocene are the breakdown of the planetary boundaries. In fact, when this system was represented and described by scientists as the planetary boundaries of the natural world, there was opposition from social scientists. Upon their insistence, social structures have also been incorporated now into the system. This obvious necessity only points to the fact that there is so much fragmentation that specialists have painted themselves into dead ends.

So, while geoengineers say that we need to seed the upper atmosphere with exotic chemicals to cool the planet, there is rightly a

hue and cry from many quarters; when renewable energy experts call for more biomass plantations, others worry about the displacement of farmers, the reduction of food production and the loss of biodiversity. Of course, still other specialists insist that they have the right technology to produce food for the entire world in factory farms.

The academic system of rewarding greater specialisation has fed the knowledge industry and universities too prepare students in precisely this manner. Policy makers are listening to the experts seeking their guidance, thus coming full circle and promoting further fragmentation. The assault on nature from the ramparts of specialisation creates narrow reductionist viewpoints that are fiercely defended by specialists who seem to have a lot at stake in terms of careers and reputations. Those at the short end are (ironically) the most vulnerable creatures and humans on earth making up the vast connected webs of life. As Max Weber wrote in *The Protestant Ethic and the Spirit of Capitalism*: "specialists without spirit, sensualists without heart; this nullity imagines that it has attained a level of civilisation never before achieved."

Sujatha Byravan is a scientist who studies science, technology and policy

LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

Modern icons

Equating our icons with the nation itself was one of the greatest tragedies of India (Editorial page, "The travails of the modern icon", December 31). No party can claim the exclusive right of owning any freedom fighter; they all happened to be products of our freedom struggle. It is another tragedy that the party that won freedom for India has become a virtual fiefdom of a family. If the Indian National Congress had been disbanded, as advised by Gandhiji, it would have been one of the finest things to have happened to India and its politics.

C.G. KURIKOSE,
Kothamangalam, Kerala

Gandhi and hope

As the writer of the article, "Gandhi and the audacity

of hope" (December 29), rightly says, it is the audacity of hope that made Gandhi stand out. Will India understand him or at least remember him in the right manner? In India's chase of the golden deer (the economy) the nation seems to be overlooking the message of this icon, who is remembered when it is convenient and forgotten when it is expedient.

K.R.A. NARASIAH,
Chennai

Blood transfusions

It is sad to know that in Tamil Nadu, a pregnant woman was transfused with suspected HIV-infected blood (Editorial, "HIV reality check", December 31). A prime reason cited for the transfusion was anaemia in late pregnancy. More than 60% pregnant women in India have this

preventable condition. Its common reasons are nutritional deficiency, hookworm infestation and frequent/multiple pregnancies. The primary mode of prevention is to identify vulnerable groups prior to pregnancy and treat them with simple measures such as health education and giving them iron supplementation. The government health system registers all pregnant women with the village health nurse and if haemoglobin is found to be deficient (less than 11 g), treated with oral iron tablets from the third month of pregnancy. Most anaemia is mild to moderate, which can be treated with iron tablets and a single dose of an anti-helminthic tablet. Women intolerant to oral iron may be given iron

injections. Blood transfusion is needed in cases of severe anaemia identified late in pregnancy (after 34 weeks), acute blood loss during pregnancy and delivery and cardiac failure due to anaemia. Even after full screening of blood, the recipient is not 100% safe as the donor might have viral infection in a dormant state. There are also other risks. A blood transfusion demands all safety precautions.

D. P.R. REETA VIJAYA SELVI,
Vellore, Tamil Nadu

■ The problem with blood banking in India is a paucity of transfusion medicine specialists or diploma holders trained in this speciality. The easiest solution would be to centralise blood banking activities to regional centres.

Blood storage facilities (rather than blood collection and processing) can be made available across hospitals in all small cities and towns that can be managed with staff who are under the direct control of their designated regional blood bank. This is also a system followed in most parts of the world.

D. R. SUTHANTHIRA KANNAN,
Coimbatore

Dream win and year

The Indian cricket team moving into the new year on a bright note is heartening because it not only won the Melbourne Test but also retained the Gavaskar-Border trophy. However, as the show is still on, the comprehensive win has offered a golden opportunity for India to script history on Australian soil. It was Jasprit Bumrah's mesmerising spell in both innings well supported by

Agenda for the fourth term

The Sheikh Hasina government must go beyond economic progress to ensure rule of law and democracy



SYED BADRUL AHSAN

The people, as they say, have spoken in Bangladesh. Sheikh Hasina's party, which leads the Grand Alliance, has romped back to power for an unprecedented fourth term in office. The general election has given the Grand Alliance, or, more specifically, the Awami League, a huge majority in the Jatiyo Sangshad, the country's Parliament, to a point where no effective Opposition is in sight.

While Awami League supporters are in a celebratory mood, the Jatiya Oikya Front has rejected the results and demanded fresh polls under a neutral government. Jatiya Oikya Front convener Kamal Hossain, around whose personality the Opposition came together to challenge what it called the authoritarianism of the government led by Ms. Hasina, has called Sunday's vote "farcical".

The significance of this election
The political reality for Bangladesh at this juncture revolves around a couple of factors. First, for the first time in a decade, all the political parties took part in the election (the Bangladesh Nationalist Party, or the BNP, boycotted the 2014 election). In other words, this time voting was based on an inclusive election. Second, this was the first time a general election was held under a political government since the fall of the Husain Muhammad Ershad military regime in 1990. The earlier stipulation of elections being supervised by a caretaker administration, introduced in the final stages of General Ershad's regime and carried on till the period of the Fakhruddin Ahmed-led military-backed caretaker government (between January 2007 and early 2009), was scrapped in 2011 through a constitutional amendment by the Awami League government which assumed office in January 2009. Despite protests from the Opposition against the move, the Hasina government remained unmoved. It stuck to the justified position that a government elected for five years cannot morally and logically hand over power to an unelected administration for



"In a country where politics has often been vulnerable to extra-constitutional interference and where national history has been massively distorted, Ms. Hasina has turned out to be the most powerful political leader in Bangladesh's story." Dhaka on polling day. • AP

three months before a new elected government comes into office.

This election has drawn the usual criticism from the Opposition, which has alleged that candidates did not have a level playing field in the course of the campaign. Moreover, on election day, at a large number of polling centres across the country, polling agents of the Opposition were either not allowed to enter the polling stations or driven out of them by ruling party activists. Mr. Hossain and the BNP have cited these as the reasons for voting having been unfair and not free. The government has rejected the allegations. It has instead pointed to what it describes as a massive degree of popular support for Ms. Hasina and her government's development programmes.

From trauma to victory

For Ms. Hasina, politics has been a long journey from personal trauma following the assassination of nearly her entire family in a violent coup in August 1975 to her rise to political prominence in the years since she took charge of the Awami League. She has been chief of the Awami League since 1981, when she was persuaded to return home from exile in India by senior party leaders, including Mr. Hossain. Her return galvanised a faction-ridden party into coming together as a strong political force, a feat which resulted in her leading it to electoral victory for the first time in 21 years in June 1996. Ms.

Hasina's assumption of office as Prime Minister was certainly significant from the perspective of Bangladesh's history. One of the earliest priorities for her government was a repeal of the infamous Indemnity Ordinance, promulgated in the post-coup circumstances and subsequently accorded legal sanction by a Parliament dominated by supporters of General Ziaur Rahman, Bangladesh's first military ruler. The ordinance had blocked any questioning of the coup as well as a trial of the assassins of Sheikh Mujibur Rahman and his family in any court of law. Five of the assassins were tried and executed in January 2010.

That apart, the Hasina government took steps to bring some prominent Bengali collaborators of the occupation Pakistan army in 1971 to trial. These collaborators, belonging to the Jamaat-e-Islami and the Muslim League and rehabilitated by General Zia and given ministerial berths by Khaleda Zia, were tried by specially constituted war crimes tribunals and hanged. In effect, on Ms. Hasina's watch, the impunity which the 1975 assassins and 1971 collaborators had enjoyed was brought to an end.

Steering the economy

To be sure, there have been questions regarding the government's treatment of the Opposition in the run-up to the election – cases filed against Opposition leaders and activists, laws seen as an impediment to

a free functioning of the media, etc. But it is the strength of its economic performance that the government has projected before the electorate, to a point where the international community, including the World Bank, has been appreciative of the strides made in the economy. Remittances from Bangladeshis working abroad have registered a significant rise, the ready-made garments industry has been performing well, growth has gone up, and massive infrastructure projects have been undertaken. In the field of foreign affairs, the government has based its approach to the outside world on pragmatism, thus successfully preserving a balance in Bangladesh's relations with India, China and Russia. The government has also found appreciation from the international community in its treatment of the Rohingya refugees – nearly 1 million refugees have found shelter in Bangladesh following their expulsion from Myanmar. It has gone out of its way to ensure the safety of the refugees even as it tries, rather fitfully, to strike a deal with Myanmar on the return of the Rohingya.

In a country where politics has often been vulnerable to extra-constitutional interference, as in the coups and counter-coups of the mid-1970s followed by the emergence of two military regimes in quick succession, and where national history has been massively distorted by those who exercised power between 1975 and 1996, Ms. Hasina has turned out to be the most powerful political leader in the country's history, after her father Sheikh Mujibur Rahman. Her three terms in office, and now a promised fourth, make her the longest-serving head of government in Bangladesh. There has been no alternative to her.

In the next five years, it will be the government's responsibility to go beyond an emphasis on economic progress to ensure rule of law and democracy, in the form of a properly functional Parliament, a free judiciary, and an efficient executive. Now that the election is behind her, Ms. Hasina looks to preside over the centenary of the birth of the country's founder in 2020 and the 50th anniversary celebrations of Bangladesh's independence in 2021.

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Mainstreaming victims of crimes

It is time to make victim impact statements mandatory



G.S. BAJPAI

In *Mallikarjun Kodagil (Dead) v. State of Karnataka* (2018), the Supreme Court stressed the need to have a victim impact statement "so that an appropriate punishment is awarded to the convict". This throws up many issues that are of interest to the victims of crimes.

The term victim came to be defined in criminal law only in 2009 in India. The victim of a crime is never heard as a victim during the trial of a case, but as a witness. As the victim is represented by a prosecutor, her concerns as well as the impact of her victimisation remain unexpressed. By and large, the police, prosecutors and courts do not have any substantive legal obligation towards crime victims. Indifference to crime victims remains deep-rooted in the accused-centric criminal justice system. 'Secondary victimisation' takes place when the agencies of the criminal justice system treat victims of crime unfavourably, or marginalise them during the trial.

Marginalised during trial

The trial process is organised in such a manner that the personal appearance of the victim at all the crucial stages is restricted. The victim is not present when charges are framed against the accused, when the accused is discharged, when bail is granted, when parole is considered, and when punishment or compensation is decided. On the other hand, the accused is always required to be present during all these stages. Crimes are registered in the form of sections of the Indian Penal Code (in numbers) which do not mean anything to the victims of crime in terms of their impact. Crimes do not impact all victims in the same manner. There is no way to assess the impact suffered by a victim. And whatever little is tried in this direction is always through a third party, such as a prosecutor or judge, who is invariably incapable of registering the aftermath of victimisation.

The UN 1985 Declaration of Basis Principles of Justice for Victims of Crime and Abuse of Power effectuated a movement for victim empowerment. That led to significant reforms in the criminal process. It enabled victims to have rights and reasonable protections, and assistance and participation in the

system. It also made a powerful plea to provide a voice to the victims of crime during the trial stage.

A victim impact statement is an answer to most of these concerns. It has the potential to alter the course of things for victims of crime in India. Victim impact statements are written or oral statements by crime victims, about how the crime has impacted them. Often, the family members and friends of victims also make written and verbal statements. Victim impact statements could provide information about the damage caused to victims by the crime, which is information that would otherwise not be available to the courts. Details of the financial impact of the crime – lost wages, medical or counselling expenses, transportation costs and damage to property, including a request for compensation or restitution – can also be included. Generally a victim is assisted to submit a detailed form, which is standardised for this purpose, through a prosecutor.

Deciding the quantum of sentence

Hearing the victim in person or through a victim impact statement at the stage of sentencing could be crucial. After a criminal defendant is found guilty or pleads guilty and is convicted, a judge decides on the appropriate punishment. The decision about punishment is a complex one. The judge needs to consider the adequacy of the sentence as Indian laws do not follow a fixed punishment model. Instead, there is a scale of punishment and the court decides the quantum of punishment according to this scale. The Criminal Procedure Code, in Section 235(2), places a mandatory duty on the court to hear the accused on the question of sentence. The idea is to collect personal information and consider it while specifying the quantum of punishment. While this practice is laudable, it causes a huge disadvantage to the victim of the crime as the trial court is under no legal obligation to hear the victim. A victim impact statement will help the court take a balanced view at this stage. Hearing the victim during the sentencing will help the court decide the quantum of punishment as well as assess the amount of compensation to be ordered. The U.S., Canada, Australia, and many countries in Europe have made victim impact statements mandatory. It is time for India to do so too. The victim has a right to speak and the nation has a responsibility to listen.

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SINGLE FILE

Saving Kerala

It is not the religious validity of a court order, but the very mettle of society that is being put to test in Kerala now

SWAMI AGNIVESH



Kerala is at a crossroads. For the first time, the very essence of this progressive State, applauded as a model for the rest of India, is being put to test. Kerala did not achieve its enviable position of being a progressive, liberal and modern society without struggle or sacrifice. It was as recent as December 1892 when Swami Vivekananda was shocked by inhuman caste-based customs there.

The journey from that low point of social and spiritual degradation to being the most progressive society in India has been achieved with the help of radical reformers – Narayana Guru, Ayyankali, Sahodaran Ayyappan, V.T. Bhattathiripad, Mannathu Padmanabha Pillai, and a host of visionary leaders in the freedom movement – who fought the evils of caste oppression and the various forms of discrimination that women in Kerala faced.

It is not the religious validity of a Supreme Court order, but the very mettle of society that is being put to test in Kerala now. To anyone observing developments around the Sabarimala face-off, it is obvious that the issue has been politically hijacked, even as the façade of religious fervour is maintained. It was to be expected that the RSS-BJP phalanx, which has been waiting for the kill for long, would sense in this the most opportune moment. By the candid admission of the State BJP President, the party is treating the Sabarimala issue as a political goldmine. A massive drama of deception is being thrust upon Keralites.

The RSS has also been inflicting a covert atrocity on Dalits and Adivasis in respect of their religions. The Adivasis aren't Hindus. They never were. They have their own religious forms of worship. Over the years, the RSS has worked in a calculated fashion to blot out their distinct religious heritage and identities. It is ironic that the very same RSS is now spearheading the movement to "save Sabarimala", willfully overlooking the fact that Sabarimala belonged to the Adivasis, who have been driven out of its precincts.

The RSS-BJP agenda is not to save Sabarimala. It is to use Sabarimala. Lord Ayyappa, who was a forest deity worshipped by Mala Arayans, is valued only as a potent entry point into the hearts of Keralites. If Lord Ayyappa is sensitive to the pollution of menstruating women, he should be even more allergic to the hypocrisy of men.

Annexing the politics of Kerala is crucial for the RSS-BJP combine for the 2019 general election. The BJP may fare poorly in many north Indian States. The loss there can be compensated only if the politics of south Indian States is annexed. The desperation underlying this strategy is an indirect tribute to the good sense of Keralites. The RSS and the BJP know that Keralites cannot be hoodwinked politically. Religion, perhaps, is their point of vulnerability.

The writer is a social activist



NOTEBOOK

The man and his horrific crime

Meeting the 'tandoor murder case' killer and his family

HEMANI BHANDARI

When I entered Sushil Kumar Sharma's drawing room one cold winter afternoon in December, he was wearing a deep blue jacket and sitting cross-legged on a cot, talking on the phone.

I waited nervously. Sharma is a former youth Congress leader and MLA, but he was no ordinary interviewee. He had been released from prison only a few days before our meeting, 23 years after he was arrested and then convicted for killing his partner Naina Sahni, also an aspiring politician.

The crime shocked the nation, but the gruesome manner in which Sharma disposed of Sahni's body was especially chilling. Sharma suspected that Sahni was having an affair. After a heated argument one night, he shot her dead. And then, to hide the crime, he chopped her

body into pieces and burnt it in a tandoor (clay oven) in a restaurant. The case led to non-stop chatter in newsrooms given that it involved a politician, an alleged affair, and a gruesome killing.

I have been a crime reporter for only over a year. Sharma's release naturally piqued my curiosity. What kind of a person was he then and how had he changed? Was he scary, as we imagine killers to be? Did a person who had once been so unimaginably vile have normal human emotions? Did he remember that night vividly? I wanted to meet Sharma, much to my mother's dismay. I spoke to the legal reporter who had covered his release. A few calls were made and I was on my way to Sharma's house in Delhi's Pitampura the next morning. I had previously reported of murder cases from a distance. Sharma was the

first man I was going to meet who had been convicted of murder and released.

The house was locked from the inside. The family didn't want to entertain too many people. I peeped inside and saw Sharma's 80-year-old mother's smiling face. She looked at me and asked an attendant to unlock the door. Greetings were exchanged and she pointed to the room where he was sitting. My heart skipped a few beats. Sharma finished his call and greeted me with a handshake and a smile. "There are two types of criminals," he began, his lawyer seated next to us. "Those who are naturally criminal-minded and those who do something in a rage." Sharma said he was full of regret, especially for making his parents' life "a living hell". He said he had contemplated suicide. "But I slowly learnt that I was suffering as a consequence

of my own actions and accepted that fact while in prison," he said.

After speaking to Sharma for an hour and a half, I stepped outside, my muscles relaxed. The first thing I did was to text my mother. "It's done," I said. "Nothing to worry. He is not scary."

The interview was not intimidating or nerve-racking as I had thought it would be. Sharma's crime was horrific, but to the extent that one can take appearance to be the reality, he seemed a changed man, keen to look ahead. As I drove back to work, I realised that it wasn't the things he said that stuck in my mind; it was what his mother said. "Our life span has now increased by 10 years," she said of herself and her husband. Sharma had committed the crime but they also suffered the consequences. My heart went out to them.

FROM The Hindu. ARCHIVES

FIFTY YEARS AGO JANUARY 1, 1969

Six dead in Dacca firing

Maulana Bashmani, leader of the National Awami Party, said yesterday [December 30] his party would boycott the coming elections following a clash between his supporters and police in which three people were killed and several injured. Three people were killed and another wounded yesterday when police fired at a mob in Hatirdia Bazar, a Dacca suburb, according to an official communiqué. The mob had stoned a shop and attempted to free several people taken into custody by police, the communiqué said. Three more persons were killed in police firing in Mancherdi, Dacca district, to-day. Police were reported to have arrested four people in the Awami Party demonstration at Dacca in favour of a general strike. Speaking at Pabna, in East Pakistan, Maulana Bashmani called on other parties to follow his lead and boycott the elections. Meanwhile President Ayub Khan has urged members of the ruling Pakistan Muslim League at Lahore to defend the regime against opposition attacks.

A HUNDRED YEARS AGO JANUARY 2, 1919.

The Kaiser's Defenders.

The League of German men and women to protect William the Second's personal life and security has been formed in Berlin and has issued an appeal denying that its purpose is other than is described by the League's official name. The appeal exhorts diplomatists and others to furnish information for the projected white book exculpating the ex-Kaiser from the guilt of the war. Prince Henry of Prussia was offered the Presidency of the League but declined saying that Hindenburg should be appointed. Prince Henry in accepting membership says that he expects to be called as a witness on behalf of his Imperial brother. The "Daily News" Munich Correspondent says that a Monarchist movement with the centre in Munich and ramifications in the country districts of Bavaria has been discovered. Forty arrests have been made including officers.

CONCEPTUAL

Kübler-Ross model

PSYCHOLOGY

This refers to the five emotional stages that a person usually goes through during a period of grief. They are denial, anger, bargaining, depression, and acceptance. However, not all people who experience grief go through all these stages. Some people may skip past some of the stages. The duration of each stage of grief may also vary from person to person depending on various reasons. The Kübler-Ross model was first proposed by Swiss psychiatrist Elisabeth Kübler-Ross in her 1969 book *On Death and Dying*, based on her study of patients who were terminally ill.

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