

# India: Stalinist CPM waffles over its full-throated support for Afzal Guru's execution

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After giving its full-throated support to the recent secret execution of Mohammad Afzal Guru—a Kashmiri man framed up by Indian authorities for the December 2001 terrorist attack on India's parliamentary complex—India's main Stalinist parliamentary party, the Communist Party of India (Marxist) or CPM, has belatedly raised reservations about “the manner in which the death sentence was executed.”

Guru's execution was a legal lynching—the sordid end to a case that was a travesty of justice from the outset. Guru was convicted by a “fast track” anti-terrorist court, in a trial that violated basic judicial norms, and based on a confession that police had extracted through torture and on material evidence that had been tampered with. Despite these and other gaping holes in the prosecution's case, Guru's conviction and death sentence were upheld by India's Supreme Court in 2005.

For years the mercy petition filed by Guru's wife languished at the office of India's president. Then suddenly on January 23, Indian President and veteran leader of the ruling Congress Party Pranab Mukherjee officially rejected it. But Mukherjee and the government chose to keep this rejection secret so that Guru could not ask for a judicial review of the president's decision and opponents of his execution, especially in his native Kashmir, could not mobilize.

At 5AM on the morning of February 9, Guru was woken and told that he was about to be executed. He was given less than three hours to prepare himself for death and prevented from seeking legal counsel or talking to his wife and son. Adding callous insult to grievous injury, Guru's family received official notification of his death by “speed post” 48 hours after the government had publicly announced that he had been hanged.

This secret execution was a calculated decision of the Congress-led United Progressive Alliance (UPA) government to stoke reaction under conditions where it has moved sharply to the right, introducing a raft of unpopular big business measures since last September. The hanging of

Guru was a transparent appeal to anti-Muslim and anti-Pakistan communalism. It was a means of countering charges from the Hindu supremacist Bharatiya Janata Party (BJP) that the UPA “appeases” Muslims and should have taken an even more belligerent stand against Pakistan in recent border clashes. The second state execution in three months after a nearly ten year hiatus, Guru's hanging was also meant to demonstrate that the government has no hesitation in killing “enemies of the state.” (See: “A legal lynching: Indian government executes Afzal Guru”)

The CPM quickly proclaimed its support for the state's killing of Guru, lining up with the Congress Party-led government and the BJP, and lending its support to the ruling class' attempt to revive the death penalty.

CPM Politburo member and parliamentary leader Sitaram Yechury told the press, “I think the law of the land with all its provisions has finally been completed as far as the Afzal Guru case and the attack on Parliament is concerned. The issue which had been lingering for the past 11 years has finally completed its due course.” He then went on to urge the prompt carrying out of the death sentences imposed in other high profile political cases, such as on those convicted of assassinating Prime Minister Rajiv Gandhi and Punjab Chief Minister Beant Singh. “Justice,” declared Yechury, “should be delivered in these cases. They should also reach their due course.”

While the CPM eagerly endorsed Guru's execution, the calculated callousness and questionable legality of the government's actions provoked significant adverse comment in several of India's liberal dailies.

In a comment ironically titled “A Perfect Day for Democracy” and published in *The Hindu* the day after Guru's execution, the novelist and social activist Arundathi Roy drew attention to some of the incongruities in Guru's conviction and the “unity” among the BJP, Congress, and CPM in celebrating his execution. Wrote Roy, “In a moment of rare unity the Nation, or at least its major political parties, the Congress, the BJP and the CPM, came together as one (barring a few squabbles about ‘delay’ and ‘timing’) to

celebrate the triumph of the Rule of Law. The Conscience of the Nation, which broadcasts live from TV studios these days, unleashed its collective intellect on us—the usual cocktail of papal passion and a delicate grip on facts. Even though the man was dead and gone, like cowards that hunt in packs, they seemed to need each other to keep their courage up. Perhaps because deep inside themselves they know that they all colluded to do something terribly wrong.”

Four days after Guru’s hanging, the CPM issued a statement, later published as an editorial in its English-language weekly *People’s Democracy*, in which it backed away from its whole-hearted endorsement of the execution.

The statement began, “After the hanging of Mohd. Afzal Guru in the parliament attack case many questions have surfaced. The press conference addressed by the Home Minister, Sushil Kumar Shinde, has reinforced these questions. He has admitted that Afzal Guru was speedily executed to avoid any appeal to the court after the rejection of his mercy petition.”

The CPM’s modification of its position on Guru’s execution has nothing to do with the defence of democratic principles. Undoubtedly the Stalinists were embarrassed by the criticisms leveled by Roy and others at their readiness to exult at the carrying out of a longstanding BJP demand. Trying to wish Yechury’s comments away, the CPM statement says, “the shrill jingoism and triumphalism displayed by the BJP and the corporate media [over Guru’s execution] has to be strongly deplored.”

But the Stalinists’ principal concern is that Guru’s execution has eroded the popular legitimacy of the Indian judiciary and state as a whole, especially in Indian-held Jammu and Kashmir, thereby threatening India’s territorial integrity.

The CPM statement makes clear that it has no quibble with Guru’s trial, let alone any questions concerning the government-police narrative about the Dec. 2001 attack on the Indian parliament, which the then BJP-led government used to mobilize the Indian military for war with Pakistan.

Endorsing the kangaroo court proceedings that resulted in Guru’s conviction, it declares, “There has been a prolonged legal and judicial process.” Nor does it oppose his having been sentenced to hang. It is, says the CPM, “the *manner* in which the death sentence was executed,” that merits “criticism.” (Emphasis added.)

While Yechury was indifferent to the fact that Guru, his lawyer, and the public were not told that his mercy petition had been rejected, the CPM statement notes that previously the government has not kept such rejections secret; nor has it rushed to carry out executions when the president turns down a mercy plea.

The statement then spells out that the CPM disapproves of

this not because it is anti-democratic, but because it could be injurious to the Indian state: “The people of Kashmir can conclude that Afzal Guru has been hanged given various political considerations and that this is a selective execution. ... The feeling that a Kashmiri is expendable while those from other parts of India are not will only be reinforced. ... With the UPA government singularly failing to take any concrete steps for advancing the political dialogue and a political solution, the way Afzal Guru was executed will only fuel more alienation and separatist feelings.”

There is one other point of interest in the CPM statement. In a further attempt to cover up its own role in endorsing Guru’s execution and thereby strengthening both the government and the Hindu right, it announces that the CPM “is presently engaged in a discussion to review its position” on the death penalty; “the case for the abolition ... is a strong one and highly relevant.”

Yechury, however, is far from the only Stalinist leader on record as applauding executions. CPM General Secretary Prakash Karat has himself suggested those responsible for the brutal gang-rape and death of a 23 year-old Delhi woman last December should be executed. When questioned about what sort of punishment should be given those found responsible for the gang-rape, Prakash declared, “As per the present laws, capital punishment is prescribed for cases of murder and Supreme Court has defined it or interpreted it as the rarest of rare cases when death penalty can be given ... [O]f course, in the case of the brutal gang-rape and murder of this young woman that law would apply.”

The CPM is part and parcel of India’s bourgeois political establishment. It has administered the capitalist state’s repressive machinery in West Bengal and other states, while implementing what it itself terms “pro-investor” policies, and time and again it has propped up rightwing governments at the Center. Its shameful stand on Guru’s secret execution has only served to highlight its indifference to democratic rights and essential class unity with the Congress and the BJP.



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