

South Asia at War With Itself

by Zaved Hasan Mahmood

Draconian laws are in operation in India, Pakistan, Sri Lanka, Bangladesh ... but they do little other than to violate rights of the people.

URING the era of British colonialism, India subcontinent encountered the horrific and draconian experience of several repressive laws, such as Indian Safety Act. The British Raj promulgated these laws in order to suppress nationalist movements and political dissent against colonialism. After independence in 1947, this subcontinent also witnessed a similar kind of diminution of democratic space. Moreover the question of self-determination has also given scope to make and to implement new repressive laws in the name of national security, to the state authority.

In this region, self-determination question has become one of the most important issues since 1947, due to ethnic conflicts triggered by arbitrary demarcation of boundaries during partition. But unfortunately before peaceful ending of these political problems, repressive solution were sought by the state. Moreover, legal support encourages undemocratic attitude of state authority by promulgating the repressive laws.

By avoiding the peaceful suggestion of the United Nations on the Kashmir issue, the Indian government has tried to solve this problem by using military muscle which is a horrific experience of South Asia. To use and give legality to the use of military power to suppress the nationalist movement of Kashmir, some special enactment have also been made by Indian legislature. For example Armed Forces (Special Power Ordinance), Jammu and Kashmir Public Disruptive Activities (Prevention) Act of 1985, Dis-

turbed Areas Act. These legislation legalised all the illegal activities of military authority. And also permitted violation of human rights. National Security Act of India permits detention of persons considered "national security" risks, which gives the police authority a wide and unlimited power. By exercising the legal power, in Kashmir and Jammu as well as other parts of India, security forces violate human rights. In these regards, the critical observation of Jammu and Kashmir People's Basic Right (Protection) Committee may be referred - These enactment are draconian laws seeking to vest the armed forces and other forces subject to the control of the union and the state. With arbitrary powers of arrest, seizure, search and of causing death of persons and destruction of property. But the Kashmir issue is no longer soluble by resort to war and militarisation process.

Here we can also mention the Armed Forces (Special Power) Act of 1958, which was enacted to suppress the self-determination movement in the north east of India. The armed insurgency still persists in the same manner after 36 years of promulgation of the Armed Forces (special power) act, 1958. Hundreds of innocent people were victim of human rights violation under this repressive law. The Terrorist and Disruptive Activities (Prevention) Act though enacted in 1985 to fight "terrorism" in Punjab, now is applicable also to other parts of India. In the name of "stopping terrorism," this Act is being used primarily against the people who are fighting to establish their right to self-deter-

mination. The statistics provided by the government expose a sad and sordid picture. In 1994, a total number of 67,509 were detained. Speaking to the Press Trust of India on 28 August 1994, Rajesh Pilot, Minister for Internal Security, said that out of the total 67,509 people detained under the Act, only 8,000 cases have been tried. That means that 59,509 people have been just detained. The rate of convictions is reportedly less than 0.05 per cent. How peculiar a picture has been created by the Indian "democratic" state authority to face the self-determination movement of the suppressed people! Is it not violation of human rights? Same situation prevails in Sri Lanka. During the last few years Sri Lanka has earned bad reputation as one of the worst violators of human rights in the world. The repressive laws are one of the weapons for violation of human rights in Sri Lanka. Specially, in Tamil-majority north and northeast, the repressive laws are frequently used to suppress the nationalist movement.

In Sri Lanka there are two repressive laws dealing with a national security - The Public Security Ordinance of 1947 and the Prevention of Terrorism (Temporary Provisions) Act of 1979. The public security Ordinance was passed by the state council on the eve of Sri Lanka's independence. It was hurriedly passed to face the threat of a general strike organised by the leftist trade union. But now this law has been used against the Tamil people.

The Prevention of Terrorism Act 1979 was enacted for the avowed purpose of eradicating the separatist Tamil Military which was carrying on a guerrilla war against the security forces in the North and East of Sri Lanka. A 1982 amendment made it a permanent law, while in the beginning it was temporary. Southern political forces supported the enactment of this repressive law because it was originally intended to be used against the Tamil nationalists in the North. The Act gives wide power to the security forces and is used against the Tamil people arbitrarily. Amnesty International Report has shown the real picture of human rights violation under these laws. According to official figures in October 1993, 4,823 detainees were being held under Emergency Regulations and PTA. Also the Emergency Regulations are implemented to suppress the self-determination movement of Tamils.

In Bangladesh, though the special Powers Act of 1974 was introduced to meet the "Terrorist" activities of the leftists parties, but now this draconian law is frequently used against the hill people. According to report of human rights organisations hundreds of hill people

specially students, have been detained under the Special Powers Act. Tribal people in the Chittagong Hill Tracts continue to be subjected to torture, illegal detention under Special Powers Act, 1974. Moreover, procedures enacted in this law, are not maintained by the state authority.

There were many detention cases which Writ Bench of the High Court Division, where release orders have been given against arbitrary use of the law. For example, Plash Chakma was arrested on 3.5.89 by Rangamat Police. Order of Detention was issued on 2.6.89 which was extended subsequently. The detention was challenged on 15.12.91 and order of release was passed on 16.2.92 finding that the detainee was not placed before the Advisory Board and the grounds under which the detainee was detained were vague, indefinite and lack in material particular (Writ petition No. 3154 of 91). We can also refer to hundreds of such cases in this regard. Moreover, during the Martial Law regime, so many martial law regulations had been introduced against the hill people. In the last '70s, hill area had been declared "Disturbed Area" under a special law, which empowered the defence authority with unlimited powers to use all measures against the "peaceful hill people." Who are fighting for establishing their rights.

In Pakistan "national security" repressive laws have been used against the Sindhi people. Maintenance of Public Order Ordinance, Prevention of Anti-National activities Act of 1974, are extensively used for preventive detention. Besides these legislation Pakistan witnessed setting-up of special courts for speedy trials. The establishment of speedy trial courts under Suppression of Terrorist Activities Act of 1975 to try the case involving crimes of terrorists is a case in point. These laws are frequently used against the Sindhi people.

By introducing special legislation (obviously repressive), the state authorities of South Asia tried to solve political crises, but this has yet not given any solution. Actually, it will be possible to solve problem by using repressive measures. State Authority should consider the political and human rights aspect of these problems in their concern. It should be considered that the right of self-determination has been recognised in the Universal Declaration of Human Rights. In this situation, state authority's duty is to find out solution to the problems - how it's possible to recognise self-determination of those people, under the same national entities.

Zaved Hasan Mahmood Executive Member, Ain-O-Shalish Founding Member, Law Review

HORIZON

Supreme Court Ruling Could Mean Fewer Blacks in Congress

by David Pitts

THE recent US Supreme Court decision striking down majority black and Hispanic congressional districts in Texas and North Carolina could have profound implications not only for African American representation in Congress, but also for the relative strength of the Democratic and Republican parties, specially in the South.

In separate 5-4 votes June 13, 1996 the nation's highest court declared four congressional districts in Texas, and one in North Carolina, to be unconstitutional because "too much emphasis" was placed on race when the boundaries were drawn.

Political observers point out that the Supreme Court decision also could have an even broader significance. The creation of majority black districts inadvertently contributed to the strength of the Republican Party in the South, they say, because black, mostly Democratic voters, were siphoned away from congressional districts whose resulting, greater white majorities were more likely to vote Republican.

Supporters of the decision hailed it as an important step toward a colorblind society. But the civil rights community, strongly criticized it, indicating the practical effect would be to reduce the number of African Americans in Congress.

"With so much still to be done to address society's racial strains, this is a result the nation can ill afford," says the New York Times.

But the Wall Street Journal says that while the court hasn't made it easier to enhance cooperation between the races, by limiting the practice of racial gerrymandering it has removed from the table "a destructive practice that would ultimately have exacerbated racial tensions."

The Washington Post says the decision appears to favor two conflicting principles that the legislators are having difficulty reconciling - strong support for sustaining the 1965 Voting Rights Act which protects the interests of minorities, and adhering to the constitutional principle that racial distinctions are inherently suspect.

President Clinton indicated disappointment with the decision saying, "I think the affected voters will see that they need to work even harder to make sure their voices are heard."

The court majority said the districts that were ruled unconstitutional lacked compactness and were unusually configured to ensure that a particular race was in the majority. The law must acknowledge that "voters are more than mere racial statistics," said Justice Sandra

Day O'Connor, a Reagan appointee.

O'Connor, a key swing vote in cases before the court involving race, also said that in making race the predominant factor in drawing the boundaries, Texas and North Carolina violated the equal protection clause of the 14th Amendment to the US Constitution. Voters are not "just racial statistics," she said.

According to court observers, however, O'Connor did not rule out race as one factor in the drawing of congressional district boundaries so long as it was not the predominant factor. The implications, therefore, for

elections as a result of the ruling. Lower federal court panels in the two states will make that decision since the Supreme Court made no stipulation.

The situation could become cumbersome. In North Carolina, for example, where voters already have voted in one primary election, and a runoff election, many voters could be involved in a third election and not just in the 12th congressional district that was ruled unconstitutional. Experts say redrawing the 12th would inevitably mean changes to other congressional districts, thus affecting political outcomes in a large area, if not all, of the state.

The ruling June 13 follows a Supreme Court decision last year that found a majority black district in Georgia unconstitutional. The court majority indicated the same logic in the previous case - that race was the predominant factor in drawing boundaries that were unusually configured to assure a black majority. The court majority reaffirmed the "strict scrutiny" standard, meaning districts drawn in such a way must meet a compelling government interest.

Georgia, as well as Texas and North Carolina, created the congressional districts at issue to conform with the provisions of the voting Rights Act.

The purpose of that law, according to Taylor Branch, the author of "Parting the Waters," a best-selling history of the Civil Rights Movement, was "to protect all minorities against discrimination at the voting

booth." But it was primarily passed "to protect African Americans who had suffered most from discrimination," he adds.

Constitutionally, minority voters won specific protection against discrimination in the voting booth as long ago as 1870 when the 15th Amendment to the US Constitution barring discrimination against voters of any race or colour, was adopted. The amendment reads in part: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, colour, or previous condition of servitude."

But despite the protection afforded by the Constitution, most blacks in the South electing

the 1965 Voting Rights Act was extended and expanded in 1970, 1975 and 1982. The 1982 amendments, in particular, authorized federal intervention to assure that legislative districts are drawn in such a way to give minorities a fair chance to win office. This led to the creation of the additional majority race congressional districts and to the later court challenges, according to observers.

The 1982 amendments were sponsored by Senator Robert Dole and supported by liberal Democrats and moderate Republicans who believed that white voters in the South were still not willing to elect an African American running in a majority white district. In order to give African Americans a fair chance of winning at least some political power, there must be at least some majority black districts, it was argued.

The overall effects of the Voting Rights Act have been dramatic. When the act was passed in 1965, there were just six black members of Congress. By 1995, there were 39 blacks in the House of Representatives and one black Senator. The number of local, elected black officeholders in the South soared from less than 100 in 1965 to 3,265 in 1989. It is those gains that civil rights leaders fear will be reversed by the Supreme Court decision.

Political observers point out that the Supreme Court decision also could have an even broader significance. The creation of majority black districts inadvertently contributed to the strength of the Republican Party in the South; they say because black, mostly Democratic voters, were siphoned away from congressional districts whose resulting, greater white majorities were more likely to vote Republican.

The majority black districts were supported not only by Southern Republicans, but also by the Republican National Committee, according to sources. Some Republicans said they fear another potential result of the Supreme Court decision: fewer Republicans might be elected in the South.

The recent US Supreme Court decision striking down majority black and Hispanic congressional districts in Texas and North Carolina could have profound implications not only for African American representation in Congress, but also for the relative strength of the Democratic and Republican parties, specially in the South.

Landscape

Green woman Maneka Gandhi to fight power plant in court

Former environment minister of India Manika Gandhi is going to challenge in the supreme court the Indian Government's decision to clear a 1000 megawatt project at Nandikur village near Mangalore, Karnataka promoted by the US-based Cogentrix company. Ms. Manika Gandhi, Environment activist in India, who was expelled last month from the governing Janata Dal Party after criticizing the decision to grant environmental clearance for the project, has recently told that the decision violated an earlier order of the court that no power plant should be approved at Nandikur without clearance from the Indian Cabinet Committee on Economic Affairs.

It is also alleged that Govinda's decision also violated an earlier Cabinet decision and a consequent notification that the project be approved only on condition that the fly ash generated from the plant be completely utilized.

Reiterating her earlier allegation of kickbacks, Ms. Gandhi maintained that the project report provided Rs. 420 million (\$12 million) for lawyers and Rs. 1 billion for contingencies.

Law review Media cell

The Daily Star Entertainment Guide

Sunday 1st September

(All programmes are in local time. There may be changes in the programmes.)

BTv

3:30 Opening Announcement Al-Coran Programme Summary 3:10 Recitation from the Bible 3:15 Cartoon: Woody Woodpecker 3:45 Rerelease of Weekly Drama 4:00 News in Bangla 4:45 Anu Paraman 5:00 News in Bangla 5:25 Sports Programme 6:00 News in Bangla 6:30 Jiboner Janyo 7:00 News in English 7:05 Open University 7:25 Tagore Songs 8:00 News in Bangla 8:25 Jannabun 8:30 Shiba-Bangla-Artho 9:00 Film Series: Akbar The Great 10:00 News in English 10:30 Shashattha 10:35 Sur Lahor 11:30 News in Bangla 11:35 Monday's programme 11:40 Close down

BBC

6:00am BBC World News 6:30 India Business Report 7:00 BBC World News 7:25 This Week 8:00 BBC World News 8:30 India Business Report 9:00 BBC World News 9:30 BBC World News 10:00 BBC World News 10:20 Britain in View 11:00 BBC World News 11:25 India Business Report 12:00noon BBC World News 12:30 This Week 1:00 BBC World News 1:05 Correspondent 2:00 BBC World News 2:30 Time Out: Building Sights 3:00 BBC World News 3:30 Time Out: Airport 4:00 BBC World News 4:05 Heart Of The Matter 5:00 BBC World News 5:20 Whicker's World: A Taste Of Spain 6:00pm BBC World News 6:05 White Heat 7:00 BBC World News 7:05 Breakfast With Frost 8:00 BBC World News 8:30 Time Out: Jeremy Clarkson's Motorworld 9:00 BBC World News 9:05 BBC World News 10:00 Earth Report 10:30 Time Out: Raymond's Blanc Marge 11:00 BBC World News 11:20 Britain in View 12:00am BBC World News 12:20 Window On Europe 1:00 BBC World News 1:05 Heathrow '50 2:00 BBC World News 2:30 Time Out: The Sky At Night 3:00 BBC World Report Inc. World Business Report/24 Hours 5:00 BBC World News 5:10 The Money Programme



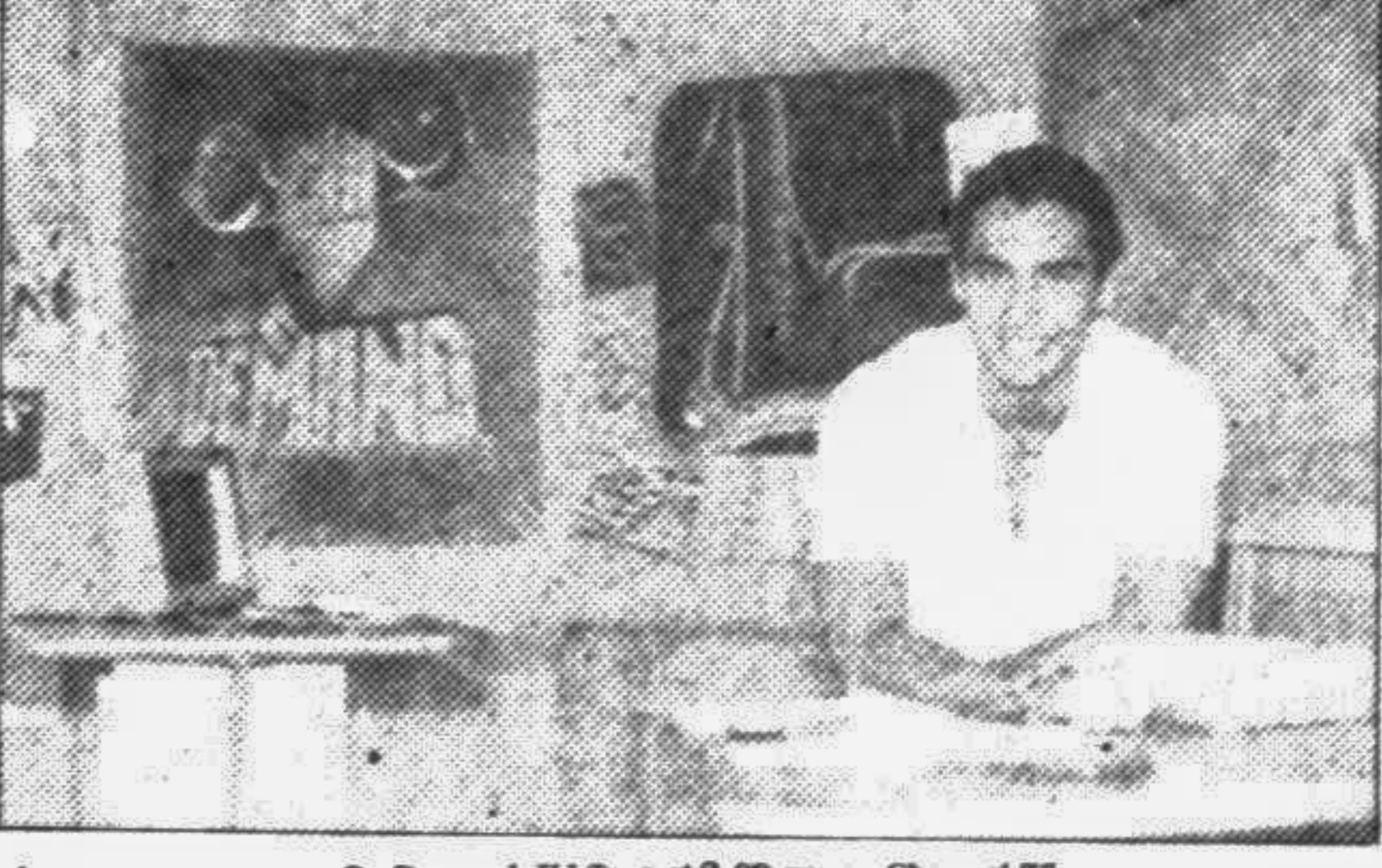
Bourvita Quiz Contest on Zee TV at 12:30 pm

CHANNEL V

6:00am Frame by Frame 7:00 Rewind VJ Sophya 8:00 Frame by Frame 9:30 Soul Curry 11:00 BPL OYE! 12:00 Sansui Mangatah 12:30 First Day First Show 1:00 Big Bang VJ Alessandra 2:00 Speak Easy 2:30 Videcon Flashback 3:00 Asian Top 20 VJ None 5:00 The Vibe Weekend VJ Luke 6:30 Evryday Red Alert 6:45 The Vibe Weekend 7:00 Palmolive Extra Time Pass 7:30 Everyday Red Alert 7:45 The Pass continued

STAR PLUS

6:30am Voltorn 7:00 King Arthur 7:30 Classic Cartoons 8:00 Terry Toons 8:30 T-Bag 9:00



By Demand, VJ Trey at 2:00 pm on Channel [V]

4:30 Home and Away 5:00 The Sullivans 5:30 Gabrielle

STAR Sports

6:00am Live US Open Tennis 1996 From Flushing Meadow New York, USA Day 6 Night Time Session Men's Women's & Mixed Doubles Rd 2 9:00 World Wrestling Federation Mania 9:30 Futbol Mundial 10:00 Live 1996 Singer World Series From Colombo, Sri Lanka India vs Zimbabwe 2:00 Lunch 3:00 World Snies (Hindi) First Session 6:00 Live 1996 World Motorcycle champ Imola Grand Prix Highlights 7:00 Same Day Delay Tiger Cup 1996 Group B Singapore v Malaysia From Nat Stadium 9:00 Live US Open Tennis 1996 From Flushing Meadow New York, USA Day 7 Night Time Session Men's, Round 3 Women's Round 4 2:00 Test Series South Africa v New Zealand 3:30 1996 Omega Tour Canon Singapore Open-HL 4:30 Sports India

STAR MOVIES

7:30am Film Club Spider and Rose 18 (Hindi Subtitles) 9:30 Family Dutch PG (Hindi Subtitles) 11:30 Classic All About Eve G (Hindi Subtitles) 1:30 Sunday Classic Western: The Daughters of Joshua Cabe return 15 (Hindi Subtitles) 3:30 Sunday Showtime Dick Tracy Ep. 5-6-7-8 (Hindi Subtitles) 4:30 Sunday Show Time All About The Movies Ep. 5-30 Sunday Family Double Feature: The Sandlot 15 (Hindi Subtitles) 7:30 Sunday Family Double Feature A Young Connecticut Yankee in King Arthur's Court (Hindi Subtitles) 9:15 20:30 Film '96 9:30 Gold 10:00 Home Alone II Lost in New York 12 (Hindi Subtitles) 11:30 True Story, Madonna innocente Sub PG (Arabic Subtitles) 1:30 Future Shock Cherry 2000 18 (Arabic Subtitles) 3:30 Action: Hoffa 18 (Arabic Subtitles) 5:30 World Cinema El Ogrine Discret De La Bourgeoise 15 (English Subtitles)

ZEE TV

6:00 The News 6:30 Jagran 7:00 Bhajans 7:30 Maa 8:00 Mythological Film 10:30 Aap Ki Adalat 11:00 Galaxee 11:30

Lakme Khoobsurat 12:00 Beji Ke PG 12:30 Bourvita Quiz Contest 1:00 Namaste India 1:30 Asian Sky Shop 2:30 HFF 5:00 Dhak Ghar/Agna Ghar 5:30 Inaght 6:00 Colgate Gel Yoodee-Ac-Do 6:30 Gaana Anyaana 7:00 Ad Mad Show 7:30 Flu 8:00 Tumhare Liye 8:30 Shuno Shuno Trng Trng 9:00 Nirma Aahaa 9:30 Malabar Hill 10:00 The Zee Horror Show 10:35 The News 11:00 Index 11:30 Philips Top Ten 12:30 Gopalee 1:00 Mr Minu 1:30 Umeed 2:00 Duni 2:30 ZEE Arabia: Infotainment 5:30 ZEE Arabia: Infotainment

EL TV

6:30am Dance Dance 7:30 Best of the Best 8:30 Frooly It's My Choice 9:00 Ru-Ba-Ru 9:30 Fat

PTV

8:00am Tilawat Aur Tarjuma/Hamd/Naat 8:20 Cartoon

Or Fit 10:00 Fauji 10:30 Chalo Cinema 11:00 The Move Usha Uthup Show 11:30 Liberty Public Demand 12:30pm Chavre 1:00 Zaka Ki Satar 1:30 Special 2:30 Money Game 3:00 Puroskhetra 4:00 Zandu Balm Dance Mania 4:30 Hit Hi Fit Hai 5:00 Song Yatra 5:30 Special 6:30 Special

EL TV

7:30 Sansari 8:00 Filmi Cha'Al 8:30 V3+ 9:00 The Music Show 9:30 Shairani 10:00 Ru-Ba-Ru 10:30 Special 11:30 Special 12:00am Mar Mar 12:30 Dance Dance 1:00 Best of the Best 2:00 Tarana Aur Fasane 3:00 Music Time

8:30 Khabrain 8:45 Fun Time 9:05 TV Encyclopedia 9:25 Khat Farhash 9:40 Sports Clinic 10:05 PTV Gold 10:30 English Film: Darkwing Duck 10:55 Mast Mast Sanyo 11:00 Khabrain 11:10 Sports Hour 12:05pm Biscop 95/Asmi Hahani 12:55 Quran-e-Hakeem 1:02 Bismillah 1:15 Aaj Ki Kahani 1:40 Aaj Ki Shaam 2:00 Kinara E-Istis (Drama Serial) 2:55 Ghosht Writer 3:55 Karabar 4:15 Education 5:25 Razi for 9th 5:55 Zameen Per Zindagi (Drama Serial) 6:25 Adu Courses 7:00 English News 7:30 English Film: Star Trek Deep Space Nine 8:20 Hawwa Ki Naam 9:00 Break for Headlines News 9:20 Sur Tasver (Pakistani Film 1947-95) 10:00 Khabrain & Commercial News 11:00 Pezwaan 11:35 Home Victims (New Serial)

DD 7

9:00 Jannadim 9:05 Geetmalay 9:30 Movie Club Film 12:30 Surer Asar 1:00 Dhitang Dhitang Bole 1:30 Movie Club Film 3:30 Geet Sangee 4:30 Bengali Feature Film 5:30 News 7:20 Binodan 7:30 Bangla Sambad 8:00 Marzada 8:25 Ek Tuku Bata 9:30 Drama 10:00 Dance Prog 10:30 News/Bengali Sambad 11:00 Closed

SONY ET

8:30am Jai Bir Hanuman 9:00 Yaadon Ki Baarat 9:30 Gaane Jaane Maane 10:00 Hindi Hits Songs 10:30 Buddha 11:00 10:00 Civil Lines 11:30 Sunday Ki

12:35 Music Masters-Raag Rang 1:00 Khas Khas Khabrain

ZEE CINEMA

Sunday 12:00 Hamse Barker Koun 12:30pm Pehli Mukat 1:00 Good Shot 1:30 Pehchan 2:00 Hum Se Barker Gong 2:30 Mere Massage Men Geet 3:00 Naye Tarane 3:30 Gaane Jaane Maane 4:00 Dekh Tamasa Dekh 4:30 O'Maria 5:00 Jaha Kaha 5:30 Jigar Gaya Ji 5:30 Ghaav 6:00 Dekh Tamasa Dekh 6:30 Aahat 7:00 Bindass Bol 8:00 Cine Classics Hindi Feature Film 11:00 Good Shot 11:30 Cine Prime-Hindi Feature Film

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