

Judgment likely to curb freedom of press

PROTHOM Alo, which is by far the largest and most respected Bangla daily in the country today and Bhorer Kagoj another daily of repute, have been found guilty of contempt of court for reporting on the alleged mark-sheet tampering case of a judge. We, as members of the free and independent press, are unable to accept this judgment as it will greatly curb people's right to know about one of the three pillars of modern state, namely the judiciary. It is our view that this judgment effectively forecloses all possibilities of public scrutiny of a very important component of democracy. By preventing any public knowledge of how the judiciary is functioning the judgment in question has greatly diminished the possibility of judiciary's own capacity of strengthening itself through transparency regarding its composition and functioning.

What is more stunning is that through this judgment the court has taken upon itself to vouch for all actions of all judges not only during his or her judgeship but for all activities before he/she became a judge. The judgment cites Lord Morris' judgement of 1899 (just 105 years ago, as if nothing has changed since then) about the need for contempt laws. He is quoted as saying that contempt laws regarding scandalising the court may be necessary in 'small countries consisting principally of coloured population.' It is regrettable that such racist language should find any place in our court's consideration even as a passing reference.

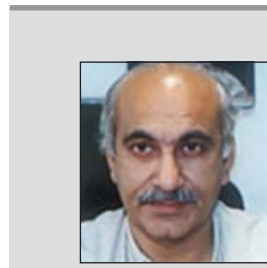
When the world is moving towards greater freedom, when transparency and accountability are becoming the key agents of good governance and when public's right to know is being increasingly recognised as a universal right, we get a judgment from no less a body than our High Court saying that the free and independent press the only channel through which people get to know anything in this country- must take second place to a yet undefined and unspecified notion of contempt of court. And thus issues of national importance regarding the functioning and integrity of one of our key institutions which deserve public scrutiny and debate-will instead be hidden from view. It is sad judgment. It is sadder still that such a judgement comes when the notion of contempt of court is all but disappearing from the legal parlance all over the world. We seem to be getting back into the dark ages of legal views which subordinates the People's Right to Know to judiciary's notion that its must protect itself from public scrutiny.

Recently there has been an orchestrated assault on the free press by some cabinet level policy makers. Several ministers have dwelt on the 'curse' of the free press in Bangladesh; one said that journalists were 'illiterate' and another that we were nothing but liars. Another minister has gone so far as to say that Bangladesh suffers from "too much democracy and too much freedom of press" clearly indicating that if there is half a chance they would stifle it. This judgment may be misused by them to serve their nefarious end.

We want to clearly state that the era of suppressing the press is over both globally and nationally. Any attempt to deprive the people of their right to know will be resisted by the people of Bangladesh who have learnt from experience how important a free and independent press is if they are to enjoy a modicum of democracy and freedom in their lives. We pledge to our readers that in spite of all the hurdles we will continue to serve their "right to know" and work relentlessly to create an informed public opinion which is a fundamental requirement for a functioning democracy.

Our respect for the judiciary remains firm and unconditional. We have relentlessly fought for the independence of judiciary and have all through supported the idea of its complete separation from the executive. We pledge to continue to do so in spite of a judgment that clearly goes against the freedom of press. We do so because we have no doubt in our mind that an independent judiciary is the best guarantee for a free and independent press. The opposite is equally true. We in the independent and free press know it. Does the judiciary? This judgement, sadly, does not indicate it.

Guilt by any other name



M.J. AKBAR

SO is Narendra Modi a hero then, thanks to George Bush and Condoleezza Rice?

Of the many reasons for taking a position on the Gujarat chief minister and his adoring fans in the American Asian Motel Owners Association, who have been seeking his charismatic presence on their motel-soil for perhaps two years now, this has to be silliest. The relevant point is not whether Narendra Modi has become a hero. The point to note is that he is already a hero to those who hero-worship him.

It did not need Bush or Rice to persuade the motel-owners, many of them fellow-Gujaratis, to adore Modi or make him their star guest. They did not want Atal Behari Vajpayee or Lal Krishna Advani; and certainly not Dr Manmohan Singh or Sonia Gandhi. They wanted Narendra Modi and no one but him, which is why they were prepared to wait. He became their hero when he supervised a pogrom against the Muslims of Gujarat after the Godhra incident three years ago. It was the kind of "revenge" that pleased the heart of hate-mongers. Since then Narendra Modi's problem has been to check similar heroism without losing his fan base.

Narendra Modi is a politician with both ambition and a strategy, which itself is unusual. All, well, most, politicians are ambitious, but rather than developing a strategy they wait for stars to bring them

luck and joy. Modi believes that the infamous riots have provided him with a cushion-vote of some 15 million Indians. This, apparently, is his estimate of the core "anti-Muslim" vote in India. He is building other vote blocs on that to become the most popular leader of his party and by virtue of that a future Prime Minister of India.

His strategy is cool and logical. Having taken command of the venom vote he does not need to spew venom anymore. He can now concentrate on proving that he is

mischief.

This was not mischief behind a curtain. This was not corruption ferreted out by either fearless or sleazy journalism. This was not a crime that needed too much investigation. It was a macabre, brazen use of state power for political gain, in front of the world's television cameras and print media. It was a crime whose evidence lies in dozens of photo exhibitions, on Internet sites and archives, and most painfully, in the minds of a generation of young people who

Congress and non-BJP chief ministers gladly shake Modi's hand at ministerial conferences, while media lines up to seek the favours that he can offer from office. (By the way, notch up another Modi success: he has eliminated a great deal of corruption within media.) His party, which saved him from its Prime Minister, does not dare interfere with the rising trajectory of his star. It is sometimes whispered that BJP president Advani would like to remove Modi, but they remain mere whispers. In any

Gujarati origin, and their applause would have resonated well among some sections back home.

According to some knee-jerk analysis, this decision could even become counter-productive. Well, so what? Is justice to be weighed on the scales of popularity, or its not-very-distant relative, prejudice? I am certain that extremists and even terrorists often have popular support. That does not make them less culpable. If we make justice conditional, we erode the foundations of civilisation and

any such visit? That might be over the top, but how about letting this idea loose among all the liberal NGOs and human rights activists whose combined efforts persuaded the United States establishment to stop Modi's visit.

After all, the same yardstick must apply. The evidence for the abuse is visible in hundreds of photographs, and we do not know how much abuse took place with those who were not photographed. There is serious evidence of culpability at the highest levels of the American military. Jeff Jacoby, writing in the *Boston Globe* and the *International Herald Tribune*, says "In August 2003, when he was commander of the military base at Guantanamo Bay, Major General Geoffrey Miller visited Baghdad with some advice for US interrogators at Abu Ghraib prison. As Brigadier General Janis Karpinski, the military police commander in Iraq, later recalled it, Miller's bottom line was blunt: Abu Ghraib should be 'Gitmo-ized' -- Iraqi detainees should be exposed to the same aggressive techniques being used to extract information from prisoners in Guantanamo. 'You have to have full control,' Karpinski quoted Miller as saying. There can be 'no mistake about who's in charge. You have to treat these detainees like dogs.'"

Treat these detainees like dogs. Any more evidence needed? Here is some from Afghanistan. "A detainee in the 'Salt Pit' -- a secret, CIA-funded prison north of Kabul -- is stripped naked, dragged across a concrete floor, then chained in a cell and left overnight. By morning he has frozen to death." What was his crime? "He was probably associated with Al Qaeda," a US official explained.

Of course the American military high command never accepted that they were guilty of what happened under their nose.

Neither did Narendra Modi.

MJ Akbar is Chief Editor of the Asian Age.

BYLINE

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an excellent administrator, which he is. His reputation as an effective chief minister is growing steadily but surely.

Moreover, his palm does not itch in the manner of, say, Pramod Mahajan, a contemporary with similar ambitions if less strategy. As politicians go, Modi is among the least corruptible. Money is not his weakness. So there you are: a hero to minority-haters, competent, honest, ambitious. It is the kind of bio-data that can take you places. There are enough middle-rollers who would be happy to overlook the riots in exchange for competence and personal probity. Liberals may loathe Modi, but they would be foolish to ignore him or his potential.

The principal yardstick of public life is not justice, but success. Success tends to drown out accountability, while failure invites quick punishment. Modi's success in the Assembly elections, when he brought the BJP back to life from a comatose state, exonerated his

watched helplessly as a government abetted hooligans gone berserk, torching homes and killing their loved ones. If there is another definition of genocide I would be grateful for some education.

We in India did very little about Modi. His leader Vajpayee made some noises, which spluttered away and exposed the impotence of a Prime Minister. Nor have his adversaries done anything in particular. The UPA government that succeeded the BJP-led coalition has not even bothered to worry about those riots, except to the extent that a Lalu Yadav wanted to derive his own quota of political mileage from Godhra. It will soon be a year since it came to power, but the Congress, always ready to expand serious heavy firepower against Malayam Singh Yadav, who destroyed the BJP in UP and effectively prevented its return to power, has not mounted any effective political campaign against Modi. To be fair, no one else has, either.

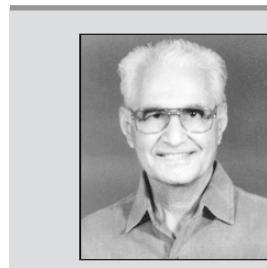
case, Advani, who retains a persistent memory of Delhi in the 1984 riots gets amnesia about Ahmedabad in 2002. If India did not bother, there was no reason why the rest of the world should. Britain, Switzerland, Australia and Singapore were happy to give Narendra Modi a visa when he asked for it.

It is extraordinary, then, that, quite out of the blue, Washington took a stand. It is of course symbolic. America can only exercise its right to deny a visa to a non-American. Most of us were unaware of the American law that "makes any government official who was responsible for, or directly carried out at any time, particularly severe violations of religious freedom, ineligible for a visa". America cannot do anything more, because Modi does not need anything more from America. He has no desire for a green card, or even a holiday. If he was interested in the members of the motel association it was because many of them are of

sap the life-energy of democracy.

A psychoanalyst would probably find much more in the sometimes overlapping and sometimes disparate layers of Modi's arguments against the American decision than a columnist. There is a hint of self-incrimination in the plea that if others who have violated human rights can be permitted to visit America, and even welcomed (he can hardly resist mentioning President Pervez Musharraf), why should he be denied a visa? At other moments, there are suggestions that India's sovereignty has been undermined. Er, not quite. It takes more than a denied visa to undermine our sovereignty. But Narendra Modi does provide one splendid suggestion. Should India refuse a visa to the United States Chief Of Army Staff because of the alleged violation of human rights in Iraq? I don't know about others, but I consider this an absolutely splendid idea. Should Pranab Mukherjee, as our defence minister, lead the campaign to prevent

Iraq after two years of US administration



M B NAQVI
writes from Karachi

AMERICA invaded Iraq just over two years ago. Let's see what has changed in the Middle East and what has not. It is time to assess the current Iraq situation and its likely impact on the rest of the region. An overall evaluation is needed of where America is taking the world thanks to its power.

Everyone agrees that originally-proffered reasons for overthrowing the Baathist regime of Saddam Hussain were contrived with malicious intent. In hindsight, it is clear that US wanted regime changes in Iraq and probably Syria with Iran being tackled differently. What are American purposes is now easy to infer from the pattern US actions make.

Americans made no secret they wanted to reshape the whole ME. Who can fail to conclude that the main American interests in ME are: (a) oil supplies' security and American control over oil, downstream of the wellheads; (b) enhancing Israel's security by eliminating its radical enemies, getting it accepted as US' pro-consul; and (c) making ME, with the addition of Afghanistan and South Asia, an American redoubt from which to launch diplomatic or other campaigns vis-à-vis Central Asia, Russia and China. There is already a network of Ameri-

can military bases in Asia: Afghanistan, Pakistan, Kyrgyzstan, Uzbekistan, several elsewhere in Asia's Far East that links up with European bases. The overall purpose -- the 21st Century being America's -- is unchallenged US domination of Asia.

Much as the US propagates democracy, its conduct in Iraq has lacked morality from the beginning. Messrs George Bush and Tony Blair do not possess divine mandate to reshape any region in their own interests. World has seen lies to

Not that people have accepted Bush-Blair spin on aggression since. Its proof lies in two facts: Bush-Blair war party has been on the defensive since. World opinion needs to realistically assess this new force.

It is true, international opinion does not deploy weapons to counter the ultra-sophisticated military might of the sole superpower -- led by the neo-Cons hubris, America is steamrolling along a preconceived path -- that is intent on building a veritable new Holy Roman Empire

chauvinists with much racial prejudice. The liberal Americans are overwhelmed by those who are aware only of the mores of their small towns.

But the question is what has happened to Iraq -- a new state that had resulted from Anglo-French give and take in early 1920s? Other areas were added to Mesopotamia in an ad hoc manner, some with expectations of oil. The British kept Iraq united by using brute force and political chicanery. Later, after a bout of instability, Baathists got hold

Kurds and had no compunction in suppressing the second Shia revolt of the Century with a heavy hand. This is relevant to current turmoil and parliamentary deadlock.

Since the revolt of the Sunni belt - recently infiltrated by al-Qaeda-seeming Islamic militants -- the way Shias had done in early 1920s against the British Army, Paul Bremer, the US pro-Consul, won over Kurds with unknown promises. He also cultivated the historically-wronged Shias. Iraqi Shia leadership, while differing from Iranian

Khan's Legal Framework Order: conditions and a timeframe were intentionally made as unworkable as possible. Three top offices in the new government require two thirds vote in the Assembly while major decisions require a three quarter votes. Kurds, allies of Americans, having been given 30 per cent seats, have a virtual veto on all decisions. What was the American scheme in case the programme could not be achieved?

Today Kurds demand guarantees against Islamic Shariah being enacted. Put in this fashion no Muslim cleric can agree. What happens if the deadlock continues and new arrangements break down, while the US continues to refuse an early withdrawal of its troops? What of the future of democracy? Presence of foreign occupation troops makes mincemeat of Iraqi sovereignty.

There is the question of actual Kurdish designs. Just how much autonomy would satisfy them? How far would the Americans go with them in view of known Turkish opposition to Kurdish independence? Would they acquiesce in Kurdish independence, thanks to Kirkuk and northern oil being securely available to the US? Then what happens to Sunni revolt, with Shias in government? Can Shias give them what Sunnis have been accustomed to. Moreover, the induction of Islamic militants remains to be explained: they could only have originated in Saudi Arabia. While fighting them at home, are the Saudis encouraging them to go and fight in Iraq? We have yet to understand who is playing what games in Iraq.

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PLAIN WORDS

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justify aggression. No one condones Saddam's brutality. But there are well over a hundred dictators around. Would US and UK unseat them by military action? Many of them are dubbed as American stooges. And after Iraq, it should be legitimate to expect 'regime changes' by these powers whenever a Strongman overthrows a democratic system. But who expects the US to depose its own stooges. The American's singing of democracy's tune convinces no one. World reaction is well-known.

Aware citizens, east or west, left no one in doubt about what they thought of Anglo-American designs on Iraq even before the invasion. A wave of protests surged through scores of countries and world had never seen such spontaneous and massive demonstrations before.

to last a thousand years. Contrary to expectations, the groundswell of opinion that culminated in Feb 13, 2003 demos across the globe and others since has made it a virtual countervailing force to US power. There may be some wishful thinking in this. But the idea has fascinated many. Would that it becomes so.

Many who watched the US Presidential election "show" last year and misled by America's own anti-Iraq war demos were shocked by Bush victory. Popularity of Mr. Bush as a leader in a war -- "our war" for majority of Americans, with xenophobic racial undertones -- appeared decisive. Two statements seem true: Americans are deeply religious as also conservative and secondly the conservative whites, especially WASPs, are self-centred

of it who gave it a firm, if also cruel, governance that had secular Arab Nationalism as ideology. Saddam, despite 1991 military defeat, was allowed to suppress a Shia revolt as had happened in 1922. He had earlier used America-provided chemicals to keep down the Kurds in the north, with evident White House approval.

Ethnic faultlines of Iraq are well-known: Kurds are 15-18 per cent of population in the north whose cultural centre was Kirkuk, an oil city. The south was largely Shia with roughly 60 per cent. The middle belt comprises the dominant Sunnis. Although Saddam did not practice no religious oppression as such, but he made no particular effort to rectify the deficits in political equality and economic opportunity that tradition imposed on Shias and

counterparts over political ideology, is more sophisticated and moderate. Under Ayatollah Sistani's guidance, the Shia parties opted for an early general election and elected Parliament, being confident of winning decisive power through democratic means.

However, Bremer gave an interim political structure and political programme with a timetable that is virtually impossible to work within the newly imposed constitutional structure and the laid down timeframe. Thus, polls were to be held by Jan 28, the new Assembly was to meet on March 16, a new government was to be agreed upon within 15 days and a new constitution written within a short span, to be soon reaffirmed in an October referendum and so on. It was quite like Pakistani President Yahya

OPINION

Thinking outside the box

SAFI KHAN

WHILE I maintain that India needs to take the major blame for its relationships with its neighbours, Bangladesh also needs to urgently take responsibility for its actions. The last three decades have amply demonstrated that normal diplomatic and political efforts have not resulted in the benefits expected. As the smaller of the two countries, we need to be more creative in our strategies and dealings, particularly in light of the perception (real or otherwise) that India-Bangladesh relations is at an all-time low. Based on my complete lack of experience, possibly an advantage in this case, I would like to propose a few ideas.

First, there are people from both countries in positions of power or influence who studied together in the United Kingdom in the middle of the last century. If I am not mistaken, Prime Minister Manmohan Singh is one such person and is

personally known to some of our senior citizens. There should be attempts to tap these past relationships before their time comes to an end.

Second, Nobel Laureate Amartya Sen has special feelings for Bangladesh as evidenced by his close friendships and periodic visits here. Professor Sen has also advised the Indian government for many years. When he speaks people tend to listen or if nothing else give careful consideration to his views. Why not try to convince him about our concerns and ideas towards influencing the Indian leadership?

Third, there needs to be greater engagement of the West Bengal government. One would assume them having greater stake since economic, political, and social issues between our two countries will benefit or harm them first before it is felt elsewhere in India. They will then have stronger basis for influencing New Delhi.

Fourth, pro-active engagement

with the business community in India, particularly groups with strong social values like Tata and Infosys. I do not feel that the Indian business community has been sufficiently educated or made aware of the importance of Bangladesh as a market and of the potential for further growth provided that pragmatic economic policies are pursued. They have the clout, unity, and vision to influence policy.

I remember some time back a business friend was critiquing a certain minister and said that the only point in his favour was his anti-Indian attitude. The key issue is not whether our political and bureaucratic leaders are anti or pro one country or another, it is whether they are pro-Bangladesh. We cannot foolishly think that poor relations with a country that surrounds us on three sides can be beneficial for our people.

Safi Khan is a development activist.

Sunday as weekend and English as second language

SYED FARHAT AHMAD ROOMY

IN early/mid eighties the then government took two unwise decisions which may have had a lasting effect on the progress and development of the country. Use of English in official correspondence was made an offence and Friday was declared as weekly holiday.

Prior to this we had English side by side with Bangla in official correspondence in the government offices. Many of the lectures in colleges and universities were also conducted in English. Even speeches in the parliament were also delivered in English. In fact, English was our official language for about two hundred years. But all on a sudden, English was discarded although it is the number one international language. Educational institutions stopped using English as a medium of instruction. It became possible for students to pursue higher studies avoiding English and at the same time use of English in official correspon-

dence was discontinued.

We were used to Sunday as the weekly holiday. But Friday was made weekly holiday which was not the case even when we were part of Islamic Republic of Pakistan. The then government of Bangladesh may have gained some popularity by these changes but these actions may have caused considerable damage to the progress and development of the nation as far as interaction with outside world is concerned.

Presently, command over English of a typical graduate or post graduate student is simply poor, to say the least. Before mid-eighties an average Bangladeshi student's command over English was not too bad. Every village high school had a good English teacher. The teacher may not have been good in spoken English. But definitely he was good in other aspects like grammar, translation etc. Earlier an average student would come from a village

school and have little difficulty in following English lectures on various subjects in colleges and universities. But as soon as it became possible to pursue higher studies avoiding English, importance of English as well as English teacher was reduced to a minimum. The system broke down and ultimately most of the schools lost their efficient English teachers. It may take years before such teachers can be made available again in a village high schools. In government offices officers and clerks who were once quite fluent in writing notes in English could no longer write those in English.

Incidentally, countries around us like India, Pakistan, Sri Lanka, Nepal etc never rejected the English language. They continued to use English side by side with their own state mother languages. We couldn't possibly claim to be more patriotic than them. Perhaps we are extremely emotional and sometimes get carried away easily by something without con-

sidering its pros and cons. In the interest of speedy development of the nation, we should perhaps immediately begin using English in official correspondence and also make English compulsory for higher studies.

We are a Muslim majority nation and as such declaring Friday as weekly holiday would be a popular decision. But popular decisions are not always beneficial to a nation. Pakistan and Malaysia had taken similar decisions perhaps on the same ground and declared Friday as weekly holiday. But they found out soon enough that it was not in the greatest interest of their respective nations. They have since reverted back to Sunday as weekly holiday. Recently, the pay commission is reported to have recommended two weekly holidays i.e. Saturday and Sunday. We must seriously consider the recommendation and at least Sunday should be made weekly holiday, if not both Saturday and

Sunday. Leading businessmen while visiting the prime minister also requested her to seriously consider Sunday as weekend.

We cannot progress in isolation shunning contacts with outside world. If we are to keep up with latest technological advancements and carry on with trade and commerce efficiently with rest of the world, we have no other option but to be proficient in the number one international language -- English. In the same way following the logic as that of Malaysia and Pakistan we must revert back to Sunday as the weekly holiday.

The present government is enjoying two thirds majority in the parliament. Perhaps this is a historic opportunity for the government to take necessary to declare Sunday as weekly holiday and English as the second language.