

## Lift ban on indoor politics

*How else can the political reform process be set in motion?*

THE caretaker government should seriously consider lifting the ban on indoor politics without further ado. That, we feel, will help initiate the process of political reforms, which the current ban on indoor politics has stunted.

As of now the political parties are not being able to conduct discussion within their own parties on political and party reforms, as that fall within the ambit of political activity. It is therefore no wonder that the process of political reform has been stalled since no party would be willing to involve in reform dialogue with the EC without indulging in the exercise within the party first. The elemental link between the two must not be lost sight of, since that may forestall the government's plan to conform to the dateline of holding the next general election that was suggested by the chief adviser himself.

In recognizing the need to hold the election as soon as possible there are two major issues that the EC must be seized with at the moment. One is the issue of voter list while the other is that of political reform.

On the matter of voter list we are constrained to point out that, as it is, the EC is not moving as fast as they should. There are several components of the issue, all of which appear to be shrouded in confusion. The EC, even after almost three months of its reconstitution, has not determined in what form the voter list will appear finally. We feel that the most important factor in this matter is that of time, and unless that is considered seriously it may prove to be a severe impediment to holding the election before 2008 is out.

On the other issue of political reforms we are heartened by the fact that the EC has initiated dialogue with members of the civil society. But one must appreciate the fact that no real reform measures can be finalised and indeed initiated without having dialogue with the political parties, which are one of the most important stake holders. Thus, lifting the ban on indoor politics immediately is a sine qua non for starting the process of holding the general election on time, as set by this government.

In this regard our request to the political parties would be that while they keep their focus on the election their main attention ought to be devoted to electoral and political reforms realising that there is a tremendous demand for such reforms. We don't want to go back to the old confrontational and highly personalised politics.

## CA's assurances about press freedom

*A breath of fresh air that should permeate all levels*

CHIEF Adviser Fakhruddin Ahmed's meeting with the editors of newspapers and the private electronic media chiefs has been marked by a useful dialogue. There has been a free and fair exchange of views that should lead to better appreciation of each other's points of view.

The CA reaffirmed his government's belief in full freedom of the press, the state of emergency notwithstanding. In an enlightened view reflective also of his robust sense of pragmatism he looked upon the media being a link between the government and the people in the absence of any parliament now. Of particular significance is the CA's advice to the NOAB members and editors "to bring to his notice any barrier (to press freedom) they might face in the future."

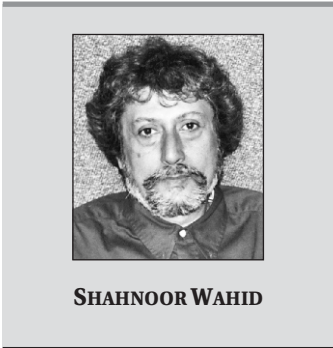
Actually, there has been no dearth of commitment on his part to press freedom since he took over but there are certain parts of the government which didn't seem to act in sync with his ideas. Some organs of the government have proved intrusive making telephone calls, inviting journalists to talk and giving them advice and directives including issuing media advisory and press notes curbing press freedom.

In Dhaka, the situation would go as far as that, but in the district towns, the journalists have had to encounter a more direct form of pressure. All this created an environment of fear in which self censorship was induced with the stifling of free flow of information in the process.

All governments -- but caretaker government more so -- operate better through reliable information best available from an independent source like the responsible media. The government's own channels are likely to highlight the brighter side of things more than the darker one. A government's stands to benefit from credible information that newspapers with commitment to the people are in a position offer.

We take the opportunity of reiterating our concerns hoping that the chief adviser's reassurances to the press would have a percolatory effect down the line and our concerns will be fully addressed.

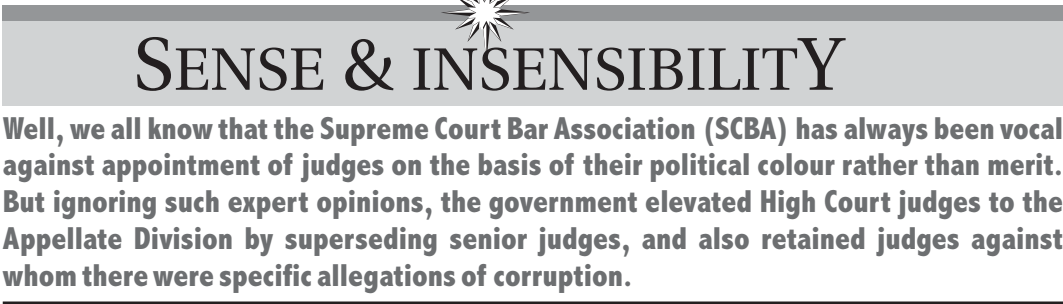
# 20 years to clean up the judiciary? Do it now!



SHAHNOOR WAHID

SO, it appears that as far as the judiciary is concerned we have been living in a fool's paradise (if, however, the place where fools live can be called anything but a paradise!). Think of it! All this time we pretended to be content with the notion that the judges sitting in the citadels of justice were above all sorts of pecuniary profanity and free from all sorts of political malfunctioning!

But how wrong we could be! That is why when Chief Justice Mohammad Ruhul Amin said the other day that incompetent, low-merited, inept and partisan people had been given appointment as judges in higher courts during the tenure of the last political government, we woke up with a jolt. And before we could digest that he also said that it would take 20 years to repair the damage done to the judi-



ciary in the last five years!

Now, aren't we curious to know about these illustrious sons and daughters of the soil who are sitting on the respected chairs of the judges in the higher courts?

According to a Daily Star report, there are 68 confirmed judges in the High Court Division and seven in the Appellate Division including the chief justice. And out of the 68, the appointments of 41 were confirmed during the tenure of the immediate past 4-party alliance government.

The same government had given appointment to 45 additional High Court judges during its regime. According to custom, once the chief justice makes a recommendation for confirming an appointment the government usually honours the chief justice's recommendations.

The Daily Star report further elaborates that allegations of partisanship and nepotism in relation to most of the 41 confirmations were

quite open, and there was an allegation that some of these judges had been active cadres/leaders of BNP.

At least one additional judge was identified as a BNP lawmaker in the sixth parliament. It has been reported that the past government gave the appointments in four phases, and extended the retirement age for the judges with the intent of placing a retired judge as the chief of the caretaker government.

This was done keeping the ninth parliamentary election in view. And we all know how that ill-conceived plan had boomeranged at the end.

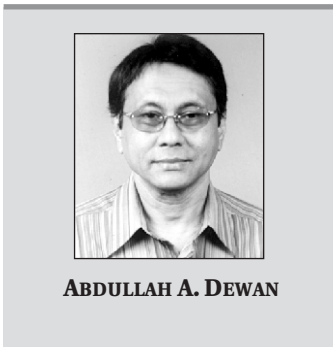
Among the judges given appointment in August 2004, there was a leader of Islami Chhatra Shibir, and shortly before the expiry of their tenure the alliance government confirmed the appointments of the judges. Interestingly enough, the appointment of legendary Faisal Mahmud Faizee was not confirmed by the chief justice.

The law says that once a judge's appointment is confirmed, no authority can remove him or her from the position. The person may step down voluntarily, or a supreme judicial council may be formed to remove the person.

Forming of a supreme judicial council is a lengthy process, and that is possibly one of the reasons why the chief justice said it would take 20 years to repair the judiciary.

So, what can we do about it? Shall we wait for 20 years? Shall we allow the incompetent judges to make a mess of the entire judicial system that has been built brick by brick by competent law experts of the past who commanded respect and authority in society? Or shall we go for evolving a process to expedite the ouster of the party lackeys from the sacred precincts of the courts? Well, it seems that there is a greater consensus in society for the latter. "Get them outa here!"

# Student politics and fundamental rights



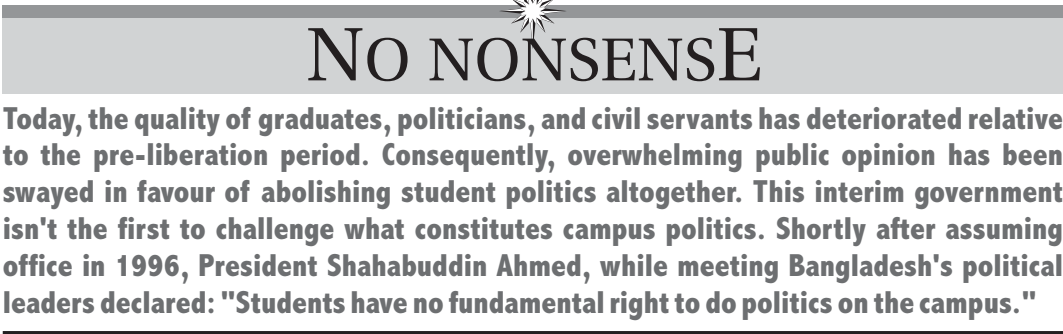
ABDULLAH A. DEWAN

KNOWING full well what the reaction would be -- especially from the partisan politickers, who have been brazenly condescending towards student politics, and have contributed to academic indiscipline and campus violence -- Law Adviser Mainul Hosen spelled out the government's wishes to sterilize public university campuses from the infestations of political parties.

Mainul asserted that students should be freed from the command and control of partisan politics, and banning political parties from implanting student fronts on campuses is the way to proceed.

The prohibition should be extended to faculties as well. Government employees' organizations should also have limited involvement in politics in the name of trade unions, to maintain congenial work environment.

The concern isn't about banning student politics per se; instead it is about defining what constitutes student politics. He acknowledges the pragmatism of student politics for developing future leadership, but argues that students', teachers' and workers' organizations, and professional bodies should be pursuing their own agendas instead of being pawns in the hands of the political



parties.

As expected, reactions to the proposal were cynical. Rashid Khan Menon quipped: "Why are they afraid of student politics?" Hasanul Haque Inu cautioned: "Student politics cannot be banned or throttled by making laws. This will backfire."

Tofayel Ahmed said: "Students should be free to pursue politics alongside their studies. If they want to become politicians after graduating, they must be familiar with political activities before leaving campus."

An appropriate riposte to Menon and others would be: "Why are they afraid if academic institutions transform into true learning places?" Noor-e-Alam Siddique, on Channel I, passionately argued that politicians educate their children abroad while recruiting the poor peoples' children to die for their self-aggrandizing agenda at home.

Student politics, instead of being totally banned, should be limited to activities that come within the purview of student government. These activities should envelope students' issues such as academic programs, library facilities, classroom conditions, residential halls, dining, sporting activities, health and security issues, and everything else related to students welfare.

Student government should organize debates and seminars on national and international issues. Following the models in the US, politically ambitious students may engage in community service, work as interns in local and national government offices (such as election commission) and political party offices, and get academic credits.

Kawser Jamal, a former Dhaka university student activist, and I conducted an informal telephone survey of 27 Bangladeshis, and found that everyone agreed that the above activities constitute student politics.

Since existing academic programs in our universities are not designed to inculcate political aptitude, universities may innovate a special curriculum targeting politically motivated students, following Western models. Without proper education, many politicians are unable to grasp how party politics, public policy, governance, and the country's laws interrelate.

Would Tofayel Ahmed tell me how many promising parliamentarians, and how many scumbags, we've produced from our student politicians since liberation, or from an earlier period?

Many former student leaders, including three barristers from Khaleida Zia's cabinet, are rotting in

prison for corruption, and many others served as accomplices to corrupt regimes -- both autocratic and democratic. Just because many haven't been arrested yet, it does not mean that they haven't dirtied their souls with corruption.

Historically, students have played a significant role in many national movements, including the 1952 language movement, the overthrow of Ayub Khan in 1969, the 1971 war of independence, and the 1990 "restore democracy and oust autocrat Ershad from power" movement.

Make no mistake; these movements weren't the exclusive domain of party affiliated students' groups, but rather by all students propelled by patriotic zeal, similar to the rise of student protests across American university campuses against the Vietnam War. But that was then -- we're now a homogenous people in an internet age requiring learning, knowledge, and professional skill to lead the nation.

Since the restoration of democracy in 1991, campus violence has plagued higher education. With easy access to arms, and all encompassing acrimony politics between AL and BNP, violence on campuses turned deadly.

"Dhaka university elections were treated with such significance by the political parties that they choose the

Action is believed to be already on the cards. Senior lawyers of the Supreme Court said that the partisan judges could be removed through forming a supreme judicial council, and it has been reported by the media that the government has started to collect background information about all the controversial judges who were given appointment, or whose services were confirmed, between 2001 and 2006.

Listen to what some senior lawyers and experts have to say about this: "We believe that the move is an indication that the government is planning to do something to clean the judiciary and to restore its independence."

Well, we all know that the Supreme Court Bar Association (SCBA) has always been vocal against appointment of judges on the basis of their political colour rather than merit.

But ignoring such expert opinions, the government elevated High Court judges to the Appellate Division by superseding senior judges, and also retained judges against whom there were specific allegations of corruption.

We may recall the incident of Judge Syed Shahidur Rahman who was removed by the alliance government through a supreme judicial

council for receiving bribes. This particular judge was also appointed by the same 4-party alliance government.

It would be quite relevant to borrow the quote of former Supreme Court judge Ghulam Rabbani from The Daily Star: "Between 1992 and 2002, there had not been any controversy or grievance over the appointments of the judges. The judges were also very capable. When the chief justice himself has noted that there is a problem within the judiciary this means he is telling the truth based on his own experience. Now the duty of the chief justice is to request the president to form a supreme judicial council to clear up the mess."

And here is what senior lawyer T.H. Khan had to say: "There are elements of truth in the statement of the chief justice. If there are incompetent and corrupt persons who were appointed as judges, it's the responsibility of the chief justice to remove them."

Well, the bottom line is: Rid the judiciary of its blemishes and make it an institution worth the name. The judges should be looked up to, and not down upon.

Shahnoor Wahid is Senior Assistant Editor of The Daily Star.

nominees -- not the students," observed a former Vice-Chancellor, Emajuddin Ahmed.

Today's campus politics requires mastering violence, agitation, hooliganism, kidnapping, and so on. Much like trade unions, student organizations promote the political agendas of their affiliated national parties, and often do so under the tutelage of faculty groups.

Student politics today is guided by non-students masquerading as students. Over the last 15 years, many student activists simply mimicked their national leaders' penchant for land-grabbing, extortion, assaulting the media and brutally attacking the opposition.

All these illicit activities tarnished the image of student politics in people's discernment. Today, the quality of graduates, politicians, and civil servants has deteriorated relative to the pre-liberation period. Consequently, overwhelming public opinion has been swayed in favour of abolishing student politics altogether.

This interim government isn't the first to challenge what constitutes campus politics. Shortly after assuming office in 1996, President Shahabuddin Ahmed, while meeting Bangladesh's political leaders declared: "Students have no fundamental right to do politics on the campus."

Student politics in Bangladesh universities had a close parallel across the state of Kerala, India, prior to 2004. Here, college elections were more important than studies. There were times when college campuses exploded in deadly violence, resulting in death of students. The colleges then get shutdown, and classes are lost.

In one incident, a student, when barred from taking an exam for lack of required attendance, sued the college for monetary and emotional damages.

A Division Bench of the Kerala High Court, on February 20, 2004, directed the state government and universities to lay down rules and regulations for curbing dharnas, strikes, gheraos and demonstrations by various students' organizations on college campuses (The Hindu, February 21, 2004).

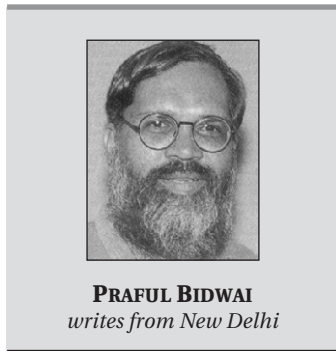
The court observed that collective bargaining, strike, dharnas, agitation and absenteeism were alien to the academic realm. These were "weapons used by the labour force for establishing their demands under the labour laws, and they are not academic tools to be used against the teaching faculty, or against the management, to vindicate the rights of the students."

The court said that the educational institutions could lay down a code of conduct and guidelines to be enforced by the principals. The students were bound by the code of conduct, and the students' organizations had no legal right to interfere with the fundamental right guaranteed to managements.

Despite the initial protests, the ban on student politics has worked miracles. "There are no political activities, no party-based elections, no union chairman or officials, and no loss of academic days in Sacred Heart College anymore," declared Prof. PM. Sebastian, Head of the English department. "We are happy, and so are the students," he reiterated. (The Hindu, Jan 28, 2006).

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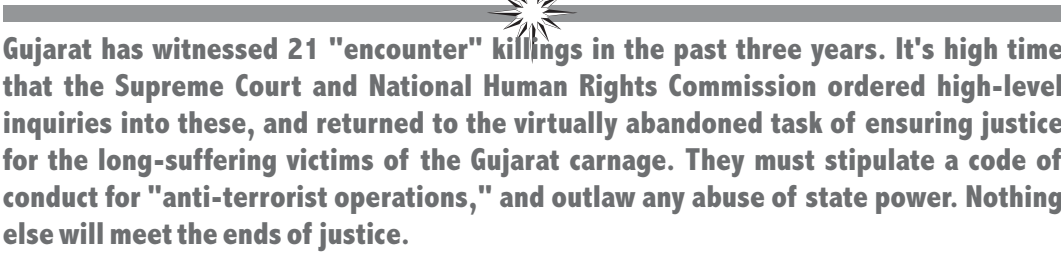
# Gujarat's killers in uniform



PRAFUL BIDWAI  
writes from New Delhi

THE Indian public has been shocked at the Gujarat government's chilling admission in the Supreme Court that its police killed a man (Sohrabuddin Shaikh) in cold blood on November 2005, faking it as an "encounter" with a Lashkar-e-Toiba terrorist.

Gujarat's Bharatiya Janata Party-run Narendra Modi government, notorious for its scant respect for legality, was forced to admit to the killing once its own senior police officers investigated it, and concluded that three Indian Police Service officers, including D.G. Vanzara,



Rajkumar Pandian and Dinesh M.N., were guilty.

Other gruesome facts have since come to light. The same policemen also killed Shaikh's wife, Kausar Bi, and police informer Tulsiram Prajapati. The motive was to destroy evidence by eliminating the witnesses to Shaikh's detention.

This only increased the officers' culpability. Kausar Bi was reportedly raped, and poisoned to death. She was cremated in Vanzara's presence, and her ashes were scattered over his farm.

The BJP has tried to brazen out the episode by claiming that Shaikh had 60 criminal cases against him. However, Shaikh was never accused of terrorism. Nor does Indian law permit extra-

judicial killings, no matter how grave the crime. Yet, the Gujarat government demands credit for arresting the IPS officers. It wants to resist a CBI inquiry.

It's a measure of the moral-political depths to which the BJP has sunk that it advances such arguments. If it thinks it can take shelter behind "patriotism" for fighting "terrorism," it's profoundly mistaken.

This episode raises several disturbing issues. It points to the continuing violation of Gujarat's climate five years after India's worst state-aided butchery of Muslims. It exposes the criminalisation and communalisation of its police, which alone explains why Vanzara became a celebrated "encounter specialist" and enjoyed impu-

nity. And it reveals a nexus between anti-terrorist operations and perverse forms of "patriotism."

Vanzara was politically close to both Gujarat Chief Minister Modi and Home Minister Amit Shah. He could commit any number of crimes, including using faked Andhra Pradesh car number-plates, abducting Shaikh from a Hyderabad-Sangli bus, and using a stolen motorcycle to stage an "encounter."

Vanzara is responsible for 13 "encounter" killings -- faked on the ground that "terrorists" were plotting to kill Mr. Modi. Vanzara delighted in boasting that "the [Modi] government is ours", and that "there will be no

evidence ... to ever nail us because I am smarter than the human rights people." Vanzara was so "well-connected" that he even got his brother, a forest officer, posted to Gujarat's Human Rights Commission, so that no complaints against him would see the light of day.

Vanzara comes from a dirt-poor, semi-nomadic tribal family. He was supported by his neighbours -- 60% of them Muslim -- through school. But he soon morphed into a vicious communal, crafty operator. He owns a 20-room three-storied mansion, and reportedly has investments exceed Rs 150 crores. His is a pathologically disturbed personality.

Yet, there's no way that Vanzara could have indulged in encounter killings without Mr. Modi's support and collusion. They probably extended and accessed huge amounts of money to patronise informants.

Typically, such informants are hardened criminals keen to settle scores with their rivals. They exert a deeply corrosive influence on the police, and blur the line of demarcation between the police and criminals.

Anti-terrorist police, citing "secrecy," become a law unto themselves. That's the story of countless "encounter specialists" -- from Maharashtra (Praful Bhonsle and Daya Nayak), Delhi (Rajbir Singh), and elsewhere, who all stand disgraced for corruption, extortion and intimidation.

But a difference sets Vanzara aside. This difference is his repeated claim to deshbhakti, or love for the nation. Indeed, Vanzara turned deshbhakti into a synonym for fake encounters. He attached a sacred or mystical significance to his murderous ventures. The link between murder and an odious concept of nationalism constitutes the most frightening aspect of Vanzara's operations.

This concept of nationalism separates the nation from, indeed opposes it to, society and human rights. It justifies the snuffing out of life on mere suspicion. Surely, Vanzara knew that most of those whom he killed in "encounters" were not terrorists.

Vanzara probably concocted "plots" targeted at killing Mr. Modi -- to curry favour with his boss. Vanzara threatened many POTA detainees with

"encounter deaths" unless they signed confessional statements.

This was established by two Gujarat families during a hearing on POTA, which I attended. Vanzara and those who shielded him must be given exemplary punishment. They must be prosecuted for direct and constructive responsibility.

It's not enough to punish the police alone; their political masters, too, must be brought to book. The prosecution must establish their communal bias, and secure severe punishment.

Indian courts must condemn the deshbhakti proposition, and enunciate a clear legal doctrine, which criminalises the equation of patriotism with murder. Far too many crimes have been committed against innocent citizens in the name of the nation, security and defence of the state.

These monstrous practices must end. Tolerance for them is unworthy of a society that aspires to democracy and human rights. Democracy loses its meaning if the most basic right, the right to life, is undermined.

A corollary of this is the abrogation of obnoxious laws like the Armed

Forces (Special Powers) Act and Disturbed Areas Act, which permit security forces to kill suspects, and also exempt them from prosecution.

India has seen such horrifying abuse in Kashmir. This is now evident in the North-east, and increasingly, in anti-Naxal operations in the heart of India, staged by shady state-supported outfits like Salwa Judum in Chattisgarh.

A final word -- Gujarat has witnessed 21 "encounter" killings in the past three years. It's high time that the Supreme Court and National Human Rights Commission ordered high-level inquiries into these, and returned to the virtually abandoned task of ensuring justice for the long-suffering victims of the Gujarat carnage.

They must stipulate a code of conduct for "anti-terrorist operations," and outlaw any abuse of state power. Nothing else will meet the ends of justice.

Praful Bidwai is an eminent Indian columnist.