

Arresting campus unrest PM's warning must not go unheeded

THE recent warning from the PM to trouble mongers in the educational institutions is not for the first time that she has been constrained to articulate nor was her directive to the concerned agencies to take stringent actions against those spreading unrest in the educational institutions, particularly in the public universities.

The latest call from the PM to make the campus environment conducive to learning came during her meeting with the office bearers of the alumni association of Dhaka University. We take particular note of the fact that the PM has reiterated her resolve not to spare even those belonging to her party.

There is no doubt that the campus atmosphere remains far from ideal. The fact that VCs of the public universities have sought personal protection in view of the situation obtaining on the campuses, as reported in one newspaper, is an endorsement of the prevailing situation.

While we recognize the sincere intention of the PM to restore the image of the public universities, Dhaka University in particular, by freeing these of the bad elements, we cannot but be disappointed at the fact that her directives have not been fully implemented. If, as she says, the law enforcing agencies have been asked to arrest the trouble makers, we are yet to see that happening on ground, and very selectively if at all, where the students belonging to the ruling party wing have been allowed the long rope while others have been dealt with very severely, as we witnessed happen in Chittagong University recently where even the female students were not spared the crude batons of the policemen.

We fully endorse the views of the PM that it requires everyone's effort to ensure harmonious atmosphere on the campus. But the fact is that much of the unrest on the campuses that we have witnessed since the assumption of office by the Grand Alliance led by the AL, have been the doings of the Chattr League (CL). And in spite of many threats of actions against it, the situation has gone from bad to worse. Regrettably, neither the government nor the Awami League has been able to rein in its student wing.

What is remarkable is that campus violence has in many cases involved different faction of the CL vying for power and control of the turf. And in some cases, reportedly, the CL had gone into action alongside the police against its opponents. There cannot be a more chilling evidence of its wayward behaviour than CL cadres going after people protesting power outage in one instance.

More than mere words are needed to arrest the unrest on the campus. We hope that action will be taken by the agencies concerned to implement the PM's directive immediately.

Bar on private coaching

But the new system needs supervision too

THE government has at last put a bar on private coaching by teachers outside the class hours. The stricture should have come long ago. Private tuition had become a roaring business, and had reached an obnoxious level with the mushrooming of a huge number of coaching centers, mostly in the last decade, and many run by serving school teachers; and this at the expense of classroom teaching, which, naturally, was bound to suffer. Instead of doing justice to the time allotted to conducting classes at the school students were told indirectly by some teachers that those who wanted to secure good marks should seek the help of the teacher outside the school hours preferably at his or her house or the coaching centre which the teacher ran.

The government has now put a bar on private coaching with the caveat that schools can run extra classes for the extra meritorious and weaker section of the students, and that too only after class hours, for which the teachers would be remunerated.

The new government directive has several aspects that one should cogitate upon. The redeeming feature is that it has acknowledged the deleterious consequences of a very lucrative business called 'private coaching', while recognising the reality that some students do need the extra effort to get through in certain subjects while some need extra coaching to secure outstanding marks. And neither can be grudged or overlooked.

The regretful aspect is that one never heard of private coaching, much less on such a large scale. One always knew that it was the schools that attended to the extra need of their students, if there was need for it, on their own without either the students being charged for it or the teachers asking for recompense for the extra effort and time they put in.

While we are in principle against tuition as a business we appreciate that the education ministry's new guideline will help put a stop to it while attending to the extra need of the students, the weaker ones in particular. And in any case, only the affluent could afford extra coaching. But here too is the need to exercise strict oversight so that the classrooms are not neglected. At the same time one would hope that as for the government schools the remuneration to teachers would be given by the government rather than charged from the students.

Cops and human rights in perspective

It is time for civil society to demand and publicly disseminate information about policing to create a democratic discourse, and participate actively in policy processes and public debates on policing issues to challenge the perception that policing is a technical issue only to be discussed by those in uniform.

MUHAMMAD NURUL HUDA

NEWSPAPER reports have it that the Dhaka Metropolitan Police and the National Human Rights Commission have sharply differing views on many crucial issues, in particular on the vexed subject of violation of human rights. There are complaints in the report that our cops are trying in vain to justify human rights violation.

In an atmosphere of acrimonious deliberations between different professional groups, both in the public and the private sector, and the pervasive intolerance with regard to listening to and appreciating the other view, it was quite heartening to learn that the National Human Rights Commission and Dhaka Metropolitan Police have thought it fit to have an exchange of views.

The commissioner of Dhaka Metropolitan Police, who played host and chaired the exchange meeting, has to be commended for he displayed admirable fortitude in formally agreeing to listen to the expected critical views of a watchdog body. This is significant because some of the executive ministries have not paid any heed to the considered views and recommendations of the parliamentary standing committees, while one particular ministry has even refused to respond to queries.

Police officers have reportedly pointed to the poor human rights situation in the police force that, according to them, has a bearing on human rights violation in course of law enforcement. The chairman of the National Human Rights Commission has reportedly reminded the police officials that since they were aware of such conditions when they joined the service, it would not be logical to refer to

those as excuses or causative factors of malfunctioning.

The chairman has perhaps spoken one half of the reality while the other half has not been given the appropriate coverage it deserves. For we all know that the morale of a disciplined force is not an abstract factor. The morale that lifts organised manpower to greater heights in accomplishing the onerous tasks of law enforcement is a product of the environment. The question is, how favourable is that environment for our cops?

Would it not be proper to remind ourselves that in their day-to-day functions, police operate on those margins of society where liberties are at risk and where freedoms and rights often have to be curtailed and infringed if police are to be effective? One needs to appreciate that it is extremely difficult to reconcile civil liberties with police effectiveness in a democratic polity.

A specific question is -- when a large majority of our police officials have to stay away from their family for a large part of the year, how would they be desirably endowed with the warmth of a caring person? Should not this aspect of the physical environment be considered an important factor in fostering the correct attitude of law enforcers?

The broader issue is whether job conditions have an impact on performance, particularly when the service providers deal with fundamental aspects like liberty and dignity. No one is willing to compromise with the encroachments on freedom and honour. It, therefore, follows that police, who are empowered to curtail liberty, should be entitled to commensurate facilities that enable them to act in a professional manner.



It is time to acknowledge that it is the foremost duty of a state to ensure people's right to safety and security, and thereby to provide a police organisation that is efficient, effective and law-abiding. It is also time to review and recast police laws, rules and regulations, especially those that pre-date the 1948 Universal Declaration of Human Rights, so as to incorporate and further the principles of democratic policing.

It is time to create strong and autonomous institutional arrangements so that executive oversight does not illegitimately interfere with the operational independence of the police.

It is time for the civil society to equip itself to campaign for police reform and accountability by understanding the police, its environment, relevant laws, its resources and responsibilities and those of the government and oversight bodies.

It is time for civil society to demand and publicly disseminate information about policing to create a democratic discourse, and participate actively in policy processes and public debates on policing issues to challenge the perception that policing is a technical issue only to be discussed by those in uniform.

The government must ensure good service conditions for police and fair accountability procedures applicable to all. It has to re-examine, in collaboration with police, the training content, methodology and frequency to emphasise human rights awareness.

The National Police Commission of India observed back in 1979 that the "phenomenon of interference with police is linked with the existing system of control over the police by the political executive," and argued that this "has led to gross abuses, resulting in erosion of rule of law and loss of police credibility."

The Indian and the Bangladeshi Police Acts have the dubious distinction of being the oldest police laws (1861) in the Commonwealth.

The colonial era laws set up a system of regime policing that allows and supports abuse of the community by the police. The laws and the way policing has developed has led to a situation today that is conducive to police malpractice. This context is characterised by impunity, illegitimate interference into police operations and militarisation of the police.

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Hiding shame of Emergency



True it is all history. But the Congress cannot rewrite it. The failings of the government and its leaders should never be fudged because what is at stake is the nation's conscience. Generations to come should know how and where the country's institutions were compromised and democracy derailed.

KULDIP NAYAR

IT is a coincidence, but not insignificant, that a plucky journalist has reported on the eve of August 15 that the Congress has "destroyed" all papers relating to our second independence in January 1977. If history could, indeed, be so easily rewritten, Hitler would have blotted out from the world's memory all the atrocities and excesses he and his Nazi Party had committed.

Imagine the first independence led by Mahatma Gandhi to usher in on August 15 a democratic polity and imagine Mrs. Indira Gandhi, his follower, destroying all democratic institutions by imposing the Emergency some 28 years later on June 25, 1975. Nonetheless, the nation celebrated the second independence when she was routed at the polls in January 1977.

Typical of Congress' furtive ways to cover up its misdeeds -- for example effacing the Bofors guns scam -- the home ministry claims it does not have the proclamation issued by President Fakhruddin Ali Ahmed to declare the Emergency. Nor does it have any record of the decisions

taken on the arrests made of thousands based on false allegations, appointment of certain people to key posts and the manner in which the statutory provisions governing detentions were breached.

This means that anyone aged 30 or younger will find it difficult to obtain any hard information about what happened during those dark days. Many of us remember the courage and leadership of Jayaprakash Narayan, who defiantly challenged Mrs. Gandhi's misrule, and the pain he suffered when he was subsequently imprisoned.

M.G. Devasahayam, who was then the District Magistrate of Chandigarh where JP was detained, drew the authorities' attention to JP's deteriorating health. As Devasahayam writes in his book, the reply came from the then Defence Minister, Bansi Lal, who said: 'Susrey ko marney do (let the swine die).'

I am surprised that there was no furore in parliament on the disclosure made on the disappearance of papers on the Emergency. Neither Mulayam Singh nor Lalu Prasad Yadav, nor even the BJP leaders, who were part of the JP movement, raised the topic to put the government on the mat.

The home ministry has conveniently put the responsibility of the missing records on the National Archives of India, saying that it is the "repository of non-current records." In turn, the National Archives has responded that it does not have any records because nothing was transferred to its safekeeping. This is surprising because the Shah Commission, which went into the misdeeds committed during the Emergency, said on the last day of its proceedings that it was depositing all the records with the National Archives.

The Shah Commission held 100 meetings, examined 48,000 papers and issued two interim reports. When the Janata government was still in power, I checked with the Archives and was assured that the records of the Commission's verbatim proceedings were intact.

Apparently, the process of destroying evidence started after Mrs. Gandhi returned to power in 1980. I recall that the copies of the Shah Commission report disappeared even from the shop where official publications were available. The report by the National Police Commission, which made praiseworthy recommendations to free the force from the pressure of politicians, was shelved because the Janata government had constituted it. Mrs. Gandhi walked out of a ceremony for distributing medals to top policemen when R.K. Dhawan, her aide, told her that the medals were for their work exposing the Emergency excesses.

By hiding the records of Mrs. Gandhi's bad deeds the Congress cannot rehabilitate her. The party has to face the fact of her authoritarian governance. No doubt, she did great things in her life and her fervour of nationalism held the country's head high, but she also had her limitations. She was responsible for ousting morality from politics and effaced the thin line that separated good from bad, moral from immoral. We are still paying for the hangover of those days.

With her extra-constitutional authority exercised by her son Sanjay Gandhi, she effectively smothered dissent and corroded India's democratic values. High handed and arbitrary actions were carried out with impunity. It's a pity that the press caved in and went out of the way to conform to the dictates of the government. L.K. Advani was quite right when he chided the press after the Emergency: "You were asked to bend but you began to crawl."

The reason why the system which got derailed during the Emergency has not been able to get back to its moorings so far

is the unaccountability of bureaucrats and politicians. None found guilty by the Shah Commission has been punished. In fact, those who indulged in excesses were rewarded through out-of-turn promotions and appointments to key posts.

The rulers should heed the advice that the Shah Commission gave; it would serve some useful purpose if the views of the government about the functioning of civil servants were set out unequivocally. "The government's primary responsibility is to guarantee protection to those officials who refused to deviate from the code of conduct, which should be accepted not only by the officials but also by the political authorities."

I am not surprised that Chief Information Commissioner Wajahat Habibullah has remained silent over the missing records. He is too close and beholden to the dynasty to be considered independent when it comes to releasing embarrassing information about it. Yet, he has done laudatory work in expanding the contours of the Right To Information Act.

Regarding the proclamation to impose the Emergency, Mrs. Gandhi did not even consult the cabinet before asking the president to sign it. The cabinet was called the following morning to retrospectively endorse what she did. It's understandable that the home ministry cannot explain this without blaming Mrs. Gandhi personally.

She even wanted to close down the courts, but did not do so because she was assured that the judges would fall in line. This happened because there was hardly any High Court that gave an adverse judgment on what she had done during the Emergency. The Supreme Court even went to the extent of upholding, 5-1, the imposition of the Emergency.

True it is all history. But the Congress cannot rewrite it. The failings of the government and its leaders should never be fudged because what is at stake is the nation's conscience. Generations to come should know how and where the country's institutions were compromised and democracy derailed.

It is only by laying out the truth in black and white that future Emergencies and the associated authoritarian rule can be avoided. And I hope the dawn of our second independence is never overtaken by the twilight made up of brutalities and excesses that shame us.

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