

## Extrajudicial killing

*Why can't it be stopped?*

**W**E cannot but express our serious concern at the report published by a human rights organisation Odhikar in Bangladesh that every three days, one person falls victim to extrajudicial killings. There have been ninety such deaths between January and September of the current year. And the aggregate figure killed since early January 2009 when the Awami League coalition government assumed office, that exceeds 200, conveys a horrendous picture. That is what causes us concern, and calls for a government probe into the magnitude of the number.

According to the description of the law enforcing agencies, all those killed are hardened criminals with several murder charges against them or members of some outlawed political group that had indulged in killing innocent villagers. Be that as it may, such manner of extermination, either by crossfire or in encounter with the law enforcing agencies, or indeed in custody of the police, is an euphemism for 'justice' being meted outside the process of the established legal system. It admits of no excuse and the perpetrators must be brought under the purview of the law.

Even a single such death is one too many because, apart from the fact that it is grossly illegal and unconstitutional, and such killings replicate the modus operandi of the so-called criminals that the law enforcing agencies are trying reduce. We are simply baffled by the fact that the number has increased in spite of the fact that the Awami League in its election manifesto had pledged to put an end to such killings.

The matter assumes a very ominous character when one considers the fact that there are two rulings by the highest court of the country that has put a caveat on such manner of killings. These stem from the rulings of the High Court of 17th November 2009 asking the government suo moto to explain the extrajudicial deaths, and the other was the order of the High Court of 14 December 2009, which it was constrained to pass because 11 illegal deaths had taken place since the 17th November 2009 order. It put a ban on all such killings till the previous case was disposed of. However, there has been no progress in the case since the reconstitution of the bench very soon after the order was passed.

We do not for a moment deny the right of the law enforcing agencies to self defence and appropriate use of force when under attack or threat of attack. However, except for a few instances, none of the death seems to have been result of exchange of fire.

It is difficult to accept the argument of the home minister and the RAB DG in this matter. And we call upon the government to take steps to ensure an end to extrajudicial deaths. It must also enquire into every such incident and hold to account those that are found guilty of breach of law. We would also hope that the pending cases in the matter would be disposed of, sooner rather than later.

## AL advisory council's suggestions to PM

*Greater understanding of the media role will benefit the govt*

**T**HE Awami League advisory council has urged Prime Minister Sheikh Hasina to ensure that ministers, advisors and party lawmakers do not, in their public pronouncements, use language that might turn the media hostile to the government. We welcome the advice, given the fact that in recent weeks it has been the hostility of certain leading figures of the government towards the media that has surprised the country by its vehemence. Lawmakers have most unfortunately engaged in a bad demonstration of media-bashing in the Jatiya Sangsad, to a point where unseemly attacks were made on the person of the editor of a reputed newspaper. It was an attack that was not only unprecedented but also deeply disturbing, especially when juxtaposed against the government's repeated assertions that it believes in a free press. Then again, attempts by some powerful elements in the ruling party to dismiss the disturbing happenings in Pabna as a media exaggeration only surprised citizens because they were all aware of the truth.

We believe we speak for the media in general when we say that the media are never and have never been hostile to this government or any other government in the past. What the media have always done is to project what's happening in all and place it before the country. There can be no disputing the fact that the newspapers and the many television channels in the country have only been carrying out their professional responsibilities by reporting on wrongdoings committed in various spheres of public interest. Be it in the administration, in political quarters, et cetera, the media have not been loath to report on things going remiss. They have kept the nation informed of excesses committed by the student and youth wings of the ruling party. If they have pointed out the wrong steps taken by the government, they have at the same time not felt shy about berating the opposition about the role it has been playing, or not playing, by remaining outside parliament.

The suggestions of the AL advisory council point to some introspection on the part of the ruling party and its supporters. Let such introspection be made more substantive and let it not be seen as something that looks like playing to the gallery. That can be done through swift action by the government in handling issues whenever the media report on them. It must not be forgotten that the media, not only in Bangladesh but all over the world as well, are perhaps the only objective means of gauging public opinion on the performance of governments and on a wider variety of issues from day to day. They can be ignored, or condemned, at the peril of those tempted to ignore or condemn.



A.H. ARIF/DRINKNEWS

## Who are target of roadside bullies?

One is constrained to deduce that we are not serious about ridding society of these evil elements. To all appearances, we are just paying lip service to the problem and remaining otherwise too busy to give any serious attention to the situation of these young girls who are regularly falling prey to their evil schemes.

SYED FATTAHUL ALIM

**A**NEZA of Jamalpur is another addition to the long list of young girls dying at the hands of roadside bullies, who are often indulgently called "eve teasers." They first target the girls who are usually on their way to school and then start constantly pursuing them, making advances and hurling abuses at them. The girls so targeted are denied a normal life for many days by these young criminals.

In the news reports about these incidents, it is often said that the bullying youths "proposed marriage" to the victim girls and failing to get the latter's compliance had taken to the path of violence. But proposing to a girl implies that the youth doing so has respect for that girl. But the road corner bullies neither have any self-respect, nor have the courage to approach a girl in a dignified manner.

On the contrary, what they do is ogle at the girl and make amorous advances in a very rude manner. The way they leer at the girls scares the living daylight out of them. The criminals then start tailing the girls wherever they go. This way they make their victims' life unbearable. But if the girl being thus harassed proves to be resilient and unyielding, then the delinquent youths

take revenge by killing their victims.

Or it may so happen that unable to stand the persecution, the girl decides to kill herself. In the present case, the stalking youths put 17-year old Aneza to death by dousing her body with petrol and then setting fire to it.

This is a case of a first-degree murder. One cannot say that it is a jilted lover who turned violent on his beloved. In fact, the youths who were behind the murder are criminals who should be immediately taken to custody and awarded the harshest punishment.

The circumstances of each tragedy are more or less similar. How will this gruesome murder of Aneza be rendered in the media? As another victim of "eve teasing"? And the murderers of the girl will pass as "eve teasers" or "stalkers"! But what do these terms really mean?

The phrase "eve teasing," whatever it means, carries a rather euphemistic note to it by diluting the case as one of mere "teasing," while the term "stalking" is ambiguous. But there is no scope for treating the youths who so persecute the young girls until their death as mere "teasers." They are no ordinary street corner delinquents. Their methods are those of hardened criminals and deserve to be dealt with merci-

lessly by law. And the incidents are cases of violence against women and there is no need for coining a separate phrase for naming these crimes.

The government, at least in its words, is for taking stern action against these roadside bullies persecuting the girls. The media, too, has been continuing its campaign against the social scourge. Social awareness against the crime is also increasing. Strangely though, notwithstanding these developments, there is still no respite from the recurring tragedies of girls either being murdered or committing suicide in the face of the tyranny of the roadside bullies.

Are these criminal youths then so powerful that the law cannot reach them or that society at large is so intimidated by these bullies that it cannot take a united stand against them and protect the young female family members from their fury?

One is constrained to deduce that we are not serious about ridding society of these evil elements. To all appearances, we are just paying lip service to the problem and remaining otherwise too busy to give any serious attention to the situation of these young girls who are regularly falling prey to their evil schemes.

In the rural context, as in the present case under scrutiny, it is the young girl belonging to a poor and, therefore, vulnerable household, while the bullies are from relatively better off families. In other words, the persecutors are confident that the victim's family will not be able to take any action against them. And they are right in their assessment, for in most cases the victims' families often yield to the pressure and intimidation of the criminals and their families.

That means the crime of persecuting

girls by roadside bullies has also an economic side to it. And a poor economic background also implies fewer social connections. It is therefore hardly surprising that the victims' families are unable to draw much support or sympathy from the law enforcers or from the administration, unless in some special cases where a legal aid group comes forward to handle the case.

And it is hardly surprising that these bullies, aware what the consequences might be, avoid targeting the girls from well-off and powerful families. So, the equation is simple. It is again economy that makes the young girls from the poor households easy prey to the roadside rogues.

It has to be borne in mind that the media by covering the news can only draw the attention of all concerned to the tragic end of the victims and the circumstances under which it took place. But it is not in a position to redress the wrong done to the victim and its family. It is the job of the law-enforcers to arrest the criminals and arrange for exemplary punishment to the anti-socials. The community should also rise up against these rogues, so that they may not get any shelter from any quarter after committing the crime.

Economic poverty begets a hundred and one social scourges. Bullying and persecution of women, especially young girls from poorer families, is one such scourge. So, alongside the existing financial safety net, the government will have also to think of providing necessary protection to these vulnerable families in order to rid society of the scourge of bullying and persecuting the young girls.

Syed Fatahul Alim is a senior journalist.

## The perils of 'Aadhaar'

However, Aadhaar is being dishonestly marketed as a social security-related scheme. Former Intelligence Bureau director A.K. Doval admits that Aadhaar was "intended to wash out the aliens and unauthorised people" but is being projected as development-oriented, "lest it ruffle any feathers." Such deception violates transparency and public trust.

PRAFUL BIDWAI

**A**N elaborate charade has begun with the rolling out of the first Aadhaar unique identity (UID) numbers by Prime Minister Manmohan Singh and Congress chairperson Sonia Gandhi in a tribal district of Maharashtra. The 12-digit number for each citizen is supposed to achieve pilferage-free delivery of services to the underprivileged.

Aadhaar (support/sustenance/ foundation) promises to rid the public distribution system of grain diversion and the National Rural Employment Guarantee Act (NREGA) of pilferage (estimated at 15-20% of funds), by collecting each Indian resident's name, address, parents' names, etc., and biometric data (photographs, all 10 fingerprints, iris scans).

This data will be used to generate a UID for buying below-poverty-line (BPL) rations, NREGA enrolment, opening bank accounts, etc. It's claimed that the UID will ensure non-duplication of identity and hence eliminate leakage. This claim is wrong and deceptive.

Aadhaar's real purpose is "national security," including surveillance, profiling and tracking of citizens. The UID will be fed into a database to be shared with NATGRID (National Intelligence Grid), which includes 11 security and intelligence agencies (like the Intelligence Bureau, Research and Analysis Wing and CBI).

Such "convergence" will provide real-time access into 21 databases -- including bank and credit-card accounts, driving licences, and travel records.

However, Aadhaar is being dishonestly marketed as a social security-related scheme. Former Intelligence Bureau director A.K. Doval admits that Aadhaar was "intended to wash out the aliens and unauthorised people" but is being projected as development-oriented, "lest it ruffle any feathers." Such deception violates transparency and public trust.

Yet, National Identification Authority of India (NIAI) chair Nandan Nilekani claims that Aadhaar is about "inclusivity ... and giving people, who have been denied identity, a chance."

Apologists claim Aadhaar will uniquely protect India's 250 million migrant workers against summary eviction. This is farcical, given the Indian state's record in displacing 45 million people since Independence and in bundling 1 lakh families out of Delhi for the Commonwealth Games.

It's hard to believe that an otherwise callous state suddenly wants to deliver services efficiently to the poor through Aadhaar.

NIAI starts with the premise that "in many areas [NREGA] wages continue to be paid in ... cash" and there's massive duplication of job-cards.

Actually, NREGA wages have been paid into bank accounts since 2008; 83% of job-cardholders have accounts. Economist-activist Reetika Khera says: "Three ways of siphoning off money remain -- extortion, collusion and fraud. Extortion means that when 'inflated' wages are withdrawn by labourers ... [but] ... the middleman ... takes a share. Collusion occurs when the labourer and the middleman agree to share

the inflated wages .... Fraud means that middlemen open and operate accounts on behalf of labourers ...."

UID can at best help prevent "fraud," not collusion or extortion, which are more common. Most fraud is materials-related. Village headmen collude with officials to create fictitious records of building-material supplies. Only transparent accounting and people's supervision/verification can tackle this, not Aadhaar.

Similarly, NIAI attributes PDS leakages to duplicate ration-cards. But, after computerisation of records and hologrammed cards, duplication has dropped -- to under 10% in most states.

Khera says: "There are two major sources of [PDS] leakage .... One, diversion of grain, en route to the village ration shop. ... Two, dealers undersell (e.g., only 25 kg out of the 35 kg Below-Poverty-Line entitlement) and yet make people testify ... that they got their full quota."

Aadhaar can tackle neither leakage. People will remain in the corrupt shopkeeper's grip unless there is a new supply-chain management system that lets them go to another dealer. But there isn't.

That demolishes the claims of portability of benefits and inclusivity. The NIAI documents say "the NREGS programme can be used to enrol residents into the UID programme ...." But this cannot produce inclusion. It only means that Aadhaar needs the PDS and NREGA to enrol people. The PDS-NREGA don't need Aadhaar.

In fact, by making Aadhaar a precondition for delivering services, the government will exclude people without UIDs.

NIAI officials claim Aadhaar will accurately target the poor and enable access to services. But NIAI documents also say "the UID number will only guarantee identity, not rights, benefits or entitlements" -- a huge contradiction.

The Aadhaar project has grave civil liberties implications. With it, the government can profile citizens and track their movements and transactions. The designated registrars, including state governments, Life Insurance Corporation, banks

and multinationals like Ernst and Young, can misuse this data.

It's likely that intimate personal details -- pre-existing illnesses or romantic relationships -- will be shared with other agencies.

Under the draft NIAI Bill, the Authority will maintain details of every identity authentication request and disclose identity information for "national security." This permits tracking of citizens.

Whenever the government gets excessive authority, it misuses it, as is the experience with our anti-terrorism acts and the Armed Forces Special Powers and Public Safety Acts.

It's unwise to rely on technology to tackle social problems like corruption. People with low-quality fingerprints (e.g. construction workers) or cataract/corneal problems can generate misleading fingerprints and iris scans. Such errors can exclude between 10 and 60 million from UID.

Biometric readings can go wrong if power supply fails -- as happens virtually daily in most of our societies.

Many supposedly secure databases/websites, including those of the Indian and US defence ministries, have been hacked. Data theft and transfer to intelligence agencies or corporations have potentially horrendous consequences.

Many countries, including the UK, US and Australia, have abandoned national ID-cards because such schemes are technically unproven and "unsafe." They also have high costs. Aadhaar will probably cost an astronomical Rs.150,000 crores.

The Aadhaar project is being pushed through without public or Parliamentary debate. NIAI was created by an administrative order -- before any feasibility or efficiency studies were commissioned. Aadhaar numbers are being rolled out even before the relevant Bill is tabled in Parliament.

The process is profoundly undemocratic and the project thoroughly misconceived. It must be halted at once.

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