

Withdrawal of "politically motivated" cases

Making farce of rule of law

We have been vigorously against the idea of sweepingly withdrawing cases instituted on so-called politically motivated grounds. We had reservations too about the "National Committee on Withdrawal of Politically Motivated Cases." We are convinced that it was a patently wrong idea primarily because the merit of a case can only be determined by a judge in the court of law and not by a committee set up for this purpose. And our apprehensions have been borne out by the manner in which the matter has been dealt with. Many cases have been withdrawn so far, on the recommendations of the district committees that display a high degree of political partisanship.

In the past the government in certain cases had had to retract orders when it was pointed out by the media that most of those being set free, supposedly victims of political grudge, were in fact known criminals, as happened only very recently. We commend the government for taking media reports seriously. But it shouldn't have happened in the first place. Reportedly, till June 2010 according to police statistics, there is a list of 3000 recommend cases for withdrawal involving nearly 10000 accused. And although these have been considered under the category of "politically motivated cases," many are in fact cases that involve robbery, theft, repression of women and women trafficking.

We are constrained to repeat our concerns because, it is learnt from a report appearing in daily Prothom Alo that the said committee is contemplating withdrawal of 52 so-called politically motivated cases, some of which involve dacoity and murder too. It is surprising that the merits of the individual cases have not been considered thoroughly either by the district committees or the national committee. And the comments of the state minister for law that the government has decided to recommend the withdrawal with an open mind, and should there be any mistake, those could be rectified later. We find this very surprising, to say the least.

We cannot understand how murder cases, where the accused have been charge-sheeted, after going through the process of investigation by the police, can merit consideration for withdrawal. We cannot understand how the national committee, which is headed by a lawyer, can countenance subversion of the due process of law. We are not surprised that the police have expressed their disagreement on the matter.

This is taking political partisanship to the extreme. The authorities cannot afford to disregard the moral dimension of the issue. The authorities concerned should be fully aware of the grave impact such a step will have not only on the victims and their families, but also on the morale of the law enforcing agencies. It will be at the expense of the principle of natural justice and to the detriment of the rule of law and good governance if the decision is not reversed. Although there have been cases motivated by political considerations, we suggest that there be a rethink on the way the issue is being handled bypassing the due process.

School textbooks on day one

Kudos to govt. and Ministry of Education

The distribution of free textbooks for primary and secondary level students is happily underway. It is certainly commendable that in this particular sector, among some other sectors, the government has been demonstrating a degree of efficiency that could well be replicated in other areas. The textbook distribution programme is of particular significance because of fears lately expressed about some printers being unable to supply the books to schools in time for distribution. We are not suggesting that everything has turned out well with the inauguration of the distribution on Saturday. But we have reasons to think, now that Education Minister Nurul Islam Nahid has reassured us on this score, that students in the primary and secondary schools will have all their books in hand in the course of the next one week. The seriousness of the minister and his department have consistently attached to the textbook issue convinces us that matters are under control. That is a far cry from the crises which earlier overwhelmed students and schools owing to uncertainty about the textbooks being available on schedule.

Even as the pace of textbook distribution goes ahead, we feel the government should be on its toes regarding a completion of the entire process. So far it has weathered quite a few storms, notable among which has been the devastating fire which ravaged a warehouse containing textbook materials last year. This year, it appears, the authorities have been able to tide over the problems generated by printers defaulting on a completion of work. It is particularly problems of the latter kind the government must be alert to. In fact, the near crisis the authorities were thrown into this year when some printers failed to produce their quota of books should serve as a caveat for the coming years. There must be alternative plans the government can fall back on if and when some printers are found falling behind in doing the work they should be doing. More importantly, before a firm is entrusted with the responsibility of printing the textbooks, the authorities must go into the antecedents of the printers to convince themselves that they will be in a position to deliver the goods on time.

Printing and distributing 23.22 crore books among 3.22 crore primary and secondary students is a herculean task. The satisfaction is in knowing that the ministry of education, the NCTB and others have demonstrated

When victims have no defence

SYED FATTAHUL ALIM

To bring offenders against law to justice and protect the law-abiding citizens are undeniably the primary functions of the state and the government. And the kind of punishment a criminal deserves depends on the seriousness of the crime committed by the offender in question as well as what the law of the land provides as regards the crime. But whatever the punishment is, it has to be decided in a court of law through the standard procedure of prosecution. And the law also provides that the defender should be allowed to have a counsel during the prosecution of justice.

Recapitulating what any conscious citizen is already in the know of is not uncalled-for in the present context given the allegations of and reports on unremitting cases of extra-judicial killings at the hands of the law-enforcers.

The Ain O Salish Kendra (ASK), a human rights watchdog, for example, in its recently released summary report for 2010 has disclosed that at least 133 persons were killed either in the so-called 'cross-fires' or 'encounters' with law-enforcers or while being detained in police custody in 2010. But this is also not for the first time that such report of extra-judicial killing has been made public by a human rights group in the country. However, the High Court, too, in June 2009 had expressed its concern over the custodial deaths and earlier in May 13 of that year had ordered police to investigate the death of a night guard in Chittagong in police custody. In June of the same year, the High Court ordered the government to explain why the so-called 'cross-fires' should not be declared illegal and why departmental and criminal procedures should not be taken against those who had been responsible for such killings of crime suspects in custody. But despite such reports and repeated warnings from the highest seat of judgment, little progress could so far be noticed on the ground.

If we are to claim ourselves to be the

citizens of a modern state run by a democrat, civilised government, then those held on even serious criminal charges such as homicide should be allowed the right to defend themselves in the court. And after the whole process of trial is complete, the convict will have to face justice. But were those being thus executed summarily as reported in the media or by the human right groups from time to time allowed to go through the due process of justice?

Interestingly, stopping of extra-judicial killings was one of the election pledges of the ruling party. Even the incumbent Prime Minister Sheikh

Human Rights Watch (HRW) called upon the US and the UK not to support the elite crime busting unit, for what it said, 'in the context of widespread allegations of extra-judicial killings, according to CNBS News reports.' Through recent disclosures from WikiLeaks it could be learnt that both the US and the UK were interested in developing this elite anti-crime force as an effective counterterrorism outfit in Bangladesh. Which is why, against the backdrop of such poor human rights records as alleged against this elite crime-fighting force, the HRW did make its call to the two governments.

judicial, because, according to him, such deaths of the suspected criminals occurred when the latter would open fire on the law-enforcers and in retaliation they (the law-enforcers) were also compelled to retaliate. That in other words, the criminals are to blame for attacking. So, any resulting casualty in the retaliatory fire from police cannot be called extra-judicial. The government ministers, too, have been echoing the same view adding that the police have the right to defend themselves when attacked. Granted that is an unfringeable argument, but in the cases of such gunfights should there be

The government needs to investigate to prove or disprove such allegations of human right violations and extra-judicial killings brought against the police department in general. A neutral agency should be involved in such investigations.



SAMI SARKIS

Hasina in the February of 2009 said that the extra-judicial killings perpetrated during the time of the military-backed interim government would be investigated. Similarly, some ministers of the incumbent government, too, did promise to put a stop to such killings committed by the law-enforcers, especially by the elite crime-busting force, the Rapid Action Battalion (RAB). Unfortunately, the ASK's 2010 report that says that 133 people had fallen victim to such killings at the hands of the elite force alone gives the lie to such promises by government leaders.

Recently, another rights group titled

But where do we stand at the moment? In its 2009 report, the same rights group (HRW) claimed that the elite force had executed some 1,000 people in five years since its creation in 2004. Now we have from the ASK that the law-enforcers killed another 133 people under comparable circumstances.

It may be recalled that the present head of the Rapid Action Battalion (RAB), after assumption of office in September 2010 had dismissed such allegations against the elite crime busting unit. On the contrary, he was against calling such killings extra-

not also scope for having witnesses against such bloody gunfights between suspected criminals and the law-enforcers?

The government need to investigate to prove or disprove such allegations of human right violations and extra-judicial killings brought against the police department in general. A neutral agency should be involved in such investigations. That is necessary to avoid the risk of such 'investigations thus carried out by police against police' being termed biased.

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No year is an island

M.J. AKBAR

No year is an island. A sequence of events will always demand its consequence, without respect for something as transitory as a calendar. Neither time nor logic pauses on December 31 and takes a holiday on January 1. Sleaze was the theme of 2010; it has already oozed into the building drama of 2011. The link is Prime Minister Dr. Manmohan Singh's brief statement on the eve of 2011 to "cleanse" gover-

not referring only to opposition governments and handing out good character certificates to his own coalition? A revealing aspect of "sleaze 2010" is that the bulk of theft has taken place in Delhi, compared to which Mumbai and Bangalore are really small potatoes. Why did Dr. Singh permit wholesale loot by UPA ministers? He has been in power from 2004; bandits became billionaires under his watch.

Dr. Singh's statement is a sort of confessional, but the Indian voter is not a Catholic priest, who will forgive

despair? It is the government of India that has made the Indian cynical.

This cynicism inevitably also became the prevailing mood in government. We watched, in 2010, a deeply fractured system turning upon itself. Some people at the highest levels of authority leaked what are now famous as the Niira Radia tapes because they could not stomach, anymore, the smug satisfaction on the faces of highway robbers. The opposition had very little to do with any of the revelations that have shaken the Singh administration to the edge of instabil-

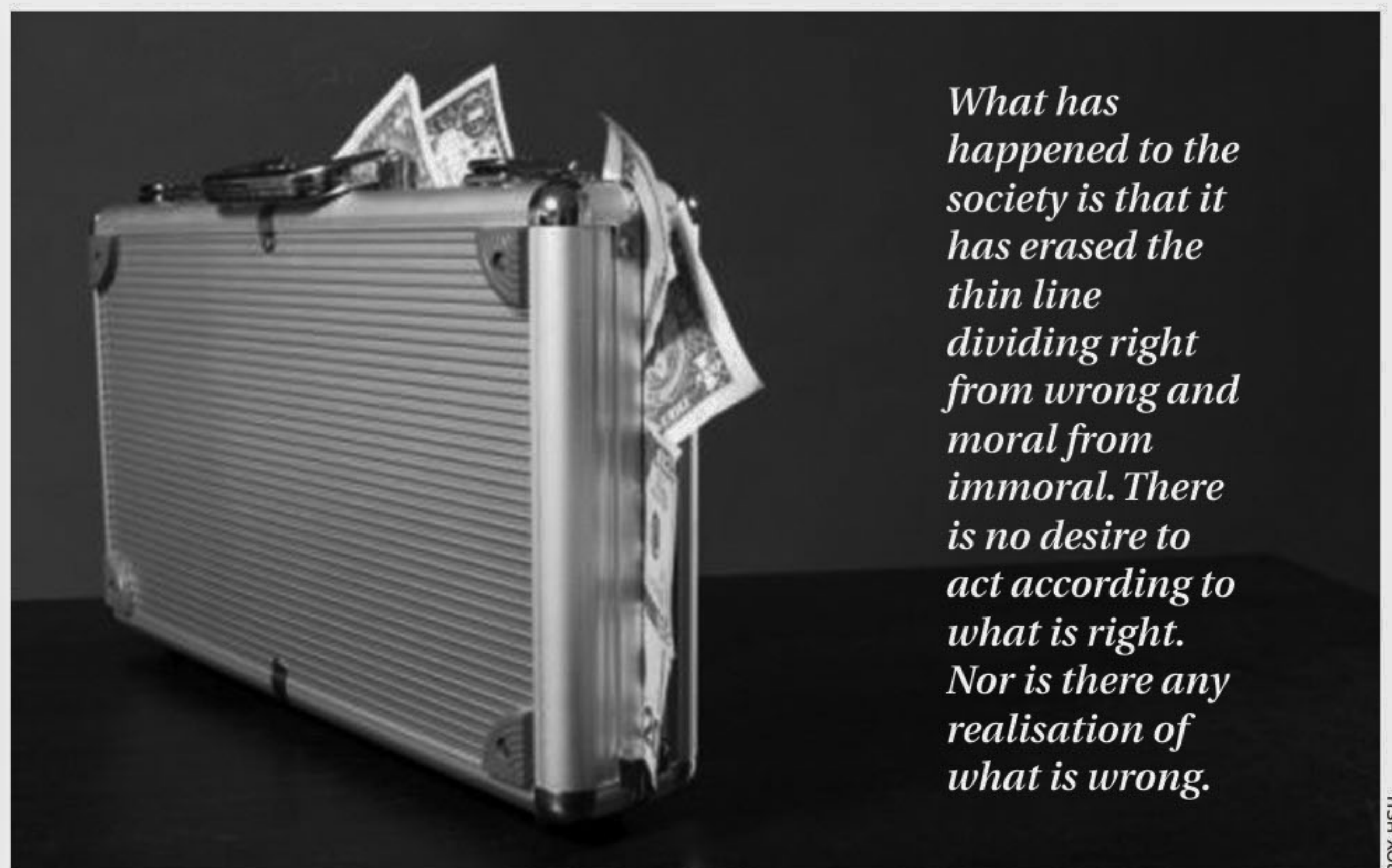
Lavasa. Sharad Pawar has said publicly that Lavasa is close to his heart. His critics believe that Lavasa is close to his wallet as well. Once again, it was not the BJP or the Shiv Sena that put Lavasa at the centre of public discourse, but a UPA minister.

Dr. Singh is sincere in his intentions; but is he capable of delivery? The people have had enough of good intentions. They want accountability and insurance against further loot. The contradictions in the prime minister's stance are evident. When he waves his big stick, he must first strike against his own colleagues. Can he do that and hope to survive? He is, of course, trapped. His personal image has raised expectations which he has not been able to fulfil, at least as far as corruption is concerned. If he does not act, the last chance to save his reputation is gone. If he acts, his government could be in serious peril.

There is sudden momentum in the drawing rooms of Delhi, as politicians discuss new options in an uncertain Parliament. The government has, foolishly, gifted a disunited opposition the opportunity to unite over the demand for a joint parliamentary committee investigation. The JPC is slowly becoming a symbol of government's evasion. It is not widely known that Dr. Singh would have happily agreed to a JPC. He has been prevented by his party. In the process, the Congress has weakened its own prime minister and strengthened the opposition.

The government should consider itself lucky that the people are only cynical. They are increasingly linking exorbitant inflation, which the government has been unable to curb, to corruption as well. What is mere cynicism and anger today could become rage tomorrow. Democracy has inbuilt valves for the release of rage, but it is unwise to test the tensile strength of these valves too often. If government behaves like an immovable object, the people will, sooner rather than later, turn into an irresistible force.

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ROY HSU

What has happened to the society is that it has erased the thin line dividing right from wrong and moral from immoral. There is no desire to act according to what is right. Nor is there any realisation of what is wrong.

nance. New Year resolutions, traditionally, are known to have a short life. If the prime minister thinks that this too is a promise designed for amnesia, then his government will have an equally short life. Indians are angry. So far this anger has not turned destructive. Beware the day it does.

The cynic has a right to ask: what was the prime minister doing for six years? He talks of cleansing the government, but who has been in charge of this government? Surely Dr. Singh was

colossal sin just because the penitent has bared his heart in confession. The voter wants accountability in political life, and has seen nothing but tokenism. The much-vaunted raids against scam-scarred politicians were little short of another scam, since the culprits have been given more than sufficient time to destroy the evidence and fudge the clues. "Let us," says the prime minister, "dispel the air of despondency and cynicism." But who and what is the source of the Indian's

ity. It was a wing of government that provided details of the colossal and wide-ranging malfeasance in the Commonwealth Games to the media. How can you read about the various levels of loot, from construction deals to toilet paper, and not become cynical?

It was the vocal Environment Minister Jairam Ramesh who halted the Lavasa township project despite the fact that Agriculture Minister Sharad Pawar is closely connected to