

SCBA protest on CJ's remark

Lawyers unbecoming protest action

ONCE again the Supreme Court premise has been rocked by high pitched demonstration and ill-tempered uttering of lawyers. The pro-BNP faction of Supreme Court Bar Association-SCBA staged a sit-in in front of the Chief Justice's court and demonstrated against the CJ's recent observations about lawyers and the reconstitution of High Court benches by him.

We are appalled by the nature of dissent which turned the corridors of the Court into shambles. This action by the BNP bloc of the SCBA is uncalled for and outright manifestation for disregard for the Chief Justice and the Judiciary as an institution.

This agitation was against somebody who occupies the highest seat of the Judiciary. He is the supreme symbol of the judicial process, the highest interpreter of law and dispenser of justice. He stands as the beacon of hope and fairness. He holds the most esteemed judicial office. Both the de jure and de facto value of his position cannot be underestimated.

The protesting lawyers must remember that they are also integral part of the judicial process and have a pivotal role to play in enhancing the image of the institution as a whole. Unruliness can never serve the cause of enhancing the prestige of the judiciary. Lawyers cannot become party to practices that deflate values of law and righteousness. It is a huge blow to the very notion of judicial process.

We feel the Chief Justice has the right to make a statement especially with regards to his institution and those who practice in it. He can do so as the custodian of the legal process. If the observations, or any part of it, are to be differed with, it can be easily taken up in a dignified and civil manner. The protesting lawyers could have taken the democratic course of addressing the media to convey their differences.

Unfortunately their actions in the premises of the august edifice remind us of the rowdy street agitations that often turn repulsive. The lawyers have already done a great harm to their status. Ask anybody who walks the corridors of our courts and the justification of the CJ's observation will become obvious.

We take a very dim view of the whole process and fear that these actions from lawyers of any hue and colour will drag the judicial process down the drain. We urge them not to turn the corridors of SC into streets. Rather express their differences in ways that augment the status of lawyers and the judiciary. Let people not lose faith in this bastion of justice.

Unrest at Khulna Medical College

The persistent ailment in the campus

IT is perhaps for the umpteenth time that feuding within Bangladesh Chhatra League has led to violence at an important educational-cum-service institution of the country causing its closure sine die. The trouble originated in a commotion created centering around the return to the campus of BCL unit president and general secretary who had been expelled on allegations of toll collection and unstudentlike behaviour earlier on. Tension spread as supporters of the expelled student leaders organised a sit-in demonstration before the principal's office when the two appeared on the scene setting off clashes between the opposing groups.

Going by the statement of publicity secretary of the Chhatra League unit to a prominent Bangla daily, 'despite prohibition of student politics on the campuses, an opponent group led by joint secretary was forcing the general students to join a political rally. At least, there is a tacit recognition among some student leaders that politics needs to be shunned in the campus but whether they believe in it or merely using it as a ploy against rival students are something to be proved on the ground.

As it is, student leaders powered by proximity to local ruling party leaders engage in desperate acts of turf war to gain control over toll collection, tender business and swelling their ranks. Besides, they indulge in vandalism, drug addiction and harassing of girl students. So that there are often demands and counter demands for expulsion of leaders of feuding parties. In such a context, the administration and the police have usually played a role of mute spectators.

Both the government and the ruling party must intervene in ensuring that criminality among students does not merely evoke expulsion but punitive legal action. Otherwise, law and order, education and social peace will continue to be disrupted by wayward but pampered students at great cost of the nation.

Evaluating Grameen Bank and Prof. Yunus

NASREEN KHUNDKER

IN 1993, I was a member of the Phase IV evaluation mission of Grameen Bank. This evaluation was financed by NORAD, CIDA, USAID and a few other donors. I was approached by Mr. Muzammel Huq, then general manager of Grameen Bank, to be part of this mission. I agreed. At that time, I had not met Prof. Yunus. I just remember that he requested that I and another Swedish mission member should spend two weeks in a Grameen Bank branch to familiarise ourselves with the Bank operations, before the mission started. I readily agreed.

I have pleasant memories of this time. We stayed at the bank manager's residence on top of the office of a Grameen Bank branch in Suruj Tangail, one of the oldest branches, sleeping in a simple bed, eating lunch sitting on a bamboo mat, chatting with bank employees and visiting the houses of Grameen Bank borrowers, mostly women.

Once the mission started, my task was to evaluate the socioeconomic impact of Grameen Bank on its members. Throughout the six weeks, I and other mission members visited various locations all over Bangladesh. I had the chance to talk to many borrowers and look at the pattern of loan utilisation and socioeconomic impact on borrowers.

Most of the loans were taken to buy livestock and poultry and as working capital for various trading activities and small shops. Thus, the poor could expand their meager resource base and the scale of their activities. There were some defaulters who could not use the loans effectively, but these were few in numbers.

The Grameen model is a unique model which uses social mobilisation of the poor into groups of 5 women and then 8 groups to a centre (40 women) to give them access to credit and motivate them to improve their economic condition. The motivation is incorporated into the sixteen decisions of Grameen Bank. Group formation was important both from the social mobilization aspect and also to use peer pressure to realize the loans.

The groups met at the "Kendra" (centre) where they did simple exercises, received advice on family planning, maternity welfare, and other social issues, besides receiving and paying back the loans. They also dis-

cussed amongst themselves many of the social issues of concern.

I also participated in several of these centre meetings as part of the evaluation. Grameen was then a social movement. It later took institutional form and according to some reports the behaviour of members has become routinised, losing some of the zeal of earlier years.

On submission of our evaluation report, we met Prof. Yunus at the Grameen Bank headquarters. What was remarkable about this meeting was that at the end all donor representatives mentioned that should he need further financing, he knew where to find it. Yunus politely declined their offer.

I was impressed by his honesty and straightforward manner and his unbending attitude to donors. This was remarkable in a country which constantly solicited aid and bowed to donor conditionalities in return for the loans they gave. I later learned that Prof. Yunus refused a \$100 million loan from the World Bank about the same time.

This donor dependence could be reduced because of the structure of the Grameen model.

The group formation involved social mobilisation and thus the setting up of a revolving fund for the loans which could perpetuate itself, without need for further injection of money. Before the groups were officially recognised by the Bank, the members also had to be able to at least sign their names. Thus a small dent was made in terms of adult literacy.

What has been the contribution of Grameen Bank or microcredit to the rural economy? It has given access to credit to many who did not have this access to formal institutions and banks because they required collateral for their loans which poor people did not have. As a result, many activities in the informal sector -- small-scale manufacturing and trading -- could be financed through micro credit.

By targeting women, it encouraged them to gain confidence and break out of the system of *pardah* and household oppression. True, not all loans

went to women. Some went to other male members of the household. But the entire household benefited. Subsequently, the loan portfolio of Grameen expanded to include housing loans, sanitary loans, tube well loans, etc. The straw houses were replaced by tin ones and sanitation and access to safe drinking water was achieved. This has changed the landscape of rural Bangladesh.

What should be emphasised is that the poor could improve their resource base and also the size of their working capital, and to use a Marxist terminology, move from Simple to Expanded reproduction. Poverty was reduced for a great number of people.

The Grameen model has been replicated in many countries, including China and Vietnam in the East and Scotland in the West, because it was felt that the state could not take all responsibilities. Interestingly, some

critics in the West may feel threatened that it would lead to a further withdrawal of the welfare state. Of course, this may not be the case.

Without such interventions, a great number of people would simply be excluded to fend for themselves.

For developing countries on the other hand, this is not something of too much concern, since the reach of the Welfare State has not been very wide in these countries. The problem in these countries has been how to generate incomes for the vast majority, not to tax and transfer incomes. As one astute observer commented, there is not much income to be taxed.

What about the debt trap argument? The fact that Grameen or other borrowers take repeated loans does not imply that they are in a debt trap. For most poor women, taking the first loan is a milestone. They are allowed subsequent loans of larger size, once they have gained confidence and experience as to how to utilise these loans. This process allows loanees to increase their incomes and diversify their assets. The entire process has to be understood before making sweeping comments. True, not everybody can use the loans effectively. This is the group

which needs attention by the state through various welfare programmes.

I may add that without Grameen and micro credit, the only source of credit for the poor are money lenders who have always charged usurious rates of interest (nearly 100% or more compared to around 30% in micro credit) or the tied credit from landlords who reduce the wage rate through interlocked transactions. A good example is from North Bengal where landowners give *dadan* during the lean season, in return for which the labourers contract out their labour at a much lower wage rate for the ensuing peak season.

It should also be recognised that the need for credit has always been there in a poor rural economy such as ours, either as consumption credit (witness the role of *kabuliwallahs* or of *dadan*) or as producer credit, financed through various institutional means from mohajans (big traders). Grameen and micro credit could break into this practice.

However, as Prof. Yunus has himself pointed out, the need for regulation remains. One should also watch out for the practices of international financial capital, which sees small borrowers as a source of making huge profits. The argument is also there for continued research on the various aspects of micro credit and also corporate entities which have become part of the Grameen structure.

Some of these, such as Gonoshastho textiles, is an intervention in the cheap market for making available cheap blankets/textiles. Others, such as mobile phones, have revolutionised the communications sector in favour of the poor. One particular area of research is the interface of macro policies and successful grassroots interventions such as Grameen or Brac. One cannot think of micro credit as a panacea for the unemployment problem created by state policies.

In conclusion, I would like to state that all these various dimensions need to be considered in evaluating Grameen Bank or Prof. Yunus. Any action cannot be based simply on prejudice. Otherwise, the worst sufferers will be the millions of Grameen borrowers and micro credit beneficiaries, who until now have simply not had the voice they deserved.

Nasreen Khundker is Professor of Economics at the University of Dhaka. She is also a Board member of the Institute of Micro Finance, an institute for research into micro finance and other issues.

Confession of a terrorist

KULDIP NAYAR

THE Aligarh Muslim University Vice-Chancellor has written to the government to provide protection for his campus. He was reacting to the emergence of a group of Hindu terrorists who have reportedly made Aligarh University one of their targets. Not long ago, Home Minister P.Chidambaram admitted that "saffron terrorism" was a fact on the Indian scene and that it should be faced squarely.

Initial reaction to Hindu terrorism in the country was that of disbelief as if such a thing could not take place in India. The BJP alleged that the talk of Hindu terrorism was meant to deflect the discussion from the scams of corruption that the Congress was facing. The RSS even went to the extent of saying that "a Hindu cannot be a terrorist."

Yet the confession by Swami Asemanand before the magistrate has changed the tone of even the RSS which says that "radical must quit RSS," an admission of the presence of ultras in their midst. The BJP condemns selective leaks by the Central Bureau of Investigation (CBI) on bomb blasts allegedly committed by "Hindu terrorists." But the confession of the Swami leaves no room for any doubt or denial of terrorism -- a stand which Pakistan took for years before the Frankenstein of terrorism stalked the land.

The Swami, who first alleged that he was being framed in a government conspiracy, has now spilled the beans. He confessed his involvement in the court under section 164 of the Criminal Procedure Code to make the evidence legally binding. No amount of pressure has worked on him to withdraw his statement. The Swami named Indresh, a RSS leader, as the brain behind the Hindu terror module that executed terrorist blasts in Ajmer, Hyderabad, Samjhauta Express and

twice in Malegaon.

Funds were provided by Joshi, another RSS activist, who was introduced to the Swami some six years ago. Two other RSS hands, Sandeep Danga and Ramji Kalsangree joined them to avenge the "bomb attacks on Hindu temples." The government has announced a prize of Rs. 10 lakh each for information on them.

In May 2008, the group of extremists after several meetings prepared the roadmap for the terrorist attack on Hyderabad, Malegaon, Ajmer Sharif and the Aligarh University. The Swami has said in a 26-page confessional statement: "I suggested that the first bomb should be placed at Malegaon as it is closer to our location and also has 80 per cent Muslim population. I also said that since at time of independence the Nizam of Hyderabad wanted to go with Pakistan, Hyderabad should be taught a lesson and hence a bomb should be placed there."

After the 2006 Malegaon blast which killed 30 people, the Swami has said that Joshi told him that "his men have executed the plot." The Swami has admitted that he chose Ajmer Sharief "where Hindus go in big numbers... so that Hindus are scared of going there." He has also said that a bomb should also be placed in AMU because many Muslim youths study there. "My suggestions were accepted by everyone," said Swami.

The Swami has referred to the two Muslim boys whom Joshi brought along when arranging a blast at Ajmer Sharif. "I told him", said the Swami, "he (Joshi) would be murdered" because of the fear of other accomplish-

ces that the Muslim boys might tell about the happening one day. Joshi was, indeed, shot dead. The Swami said the blasts were in retaliation against Muslims after the attacks by jihadi terrorists on the Akshardham temple in Ahmedabad in 2002 and in the Sankat Mochan temple in Varanasi in 2006.

The cloak and dagger story in which even a former intelligence officer was involved is not about a few persons from the RSS. The plot goes deeper. That the CBI is trying to unravel it is not adequate. The government has to devise means to fight against Hindutva philosophy of the RSS. For a secular country, any fundamentalist thought is an attack at its very roots of its foundation.

Fundamentalism spread in Pakistan -- because neither the government nor the liberal elements thought of it much in the beginning. Only when the blasts were many and the number of killings mounted did Pakistan woke

up. India has to take the menace seriously. The reopening of the Malegaon blasts is a step in the right direction. The Swami has confessed that it was his organisation's handiwork.

On December 22, 2006, Maharashtra had filed a 2,200-page charge sheet against 13 men in the special court. However, following pressure from political parties, then Maharashtra deputy chief minister RR Patil announced the transfer of the case to the CBI for a fresh probe. The CBI said that it had no fresh evidence in the case. The new material should give the agency opportunity to pursue the case vigorously.

It must be an act of providence how the Swami's conscience came to be pricked. He was detained at jail in Chandigarh where a Muslim was serving the sentence on the charge of blasts at Malegaon. The Swami was touched by the care the Muslim prisoner took during his illness. The prisoner bore no rancour or remorse. The Swami decided to make clear breast of his involvement and that of the RSS men.

"The Muslim boy Kaleem pierced my conscience. I understood that love between two human beings is more powerful than the hatred between two communities" said Swami. He has reportedly written to the President of India and the President of Pakistan, admitting his crimes and seeking penance.

It is a shame that the 13 Muslims in imprisonment on the allegation that they were responsible for the Malegaon blasts have not yet been released. Only Kaleem has been. The Maharashtra police are embarrassed. Their explanation is that they went "wrong." Those who prosecuted them and even produced "the accomplice," who became a government witness, should be punished. But it is a futile demand because I have not seen anyone from the police ever being punished for fabricating a case or prosecuting the innocent.

Isn't it time when both countries should join hands to eliminate terrorism from the region? The argument by one country that it does not face such a terrible situation as the other does is futile. True, there is a shade of difference -- but only a shade. Maybe, India has not yet been a victim of open terrorism as Pakistan is from the jihadis from within and without. But India has now Hindu terrorists and Muslim terrorists, apart from the Maoists. This situation has the potential of making a large-scale terrorism.

Kuldip Nayar is an eminent Indian columnist.