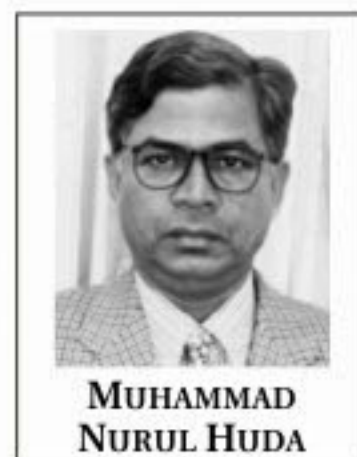


STRAIGHT LINE

Halting extra-judicial killings



MUHAMMAD
NURUL HUDA

OUR National Human Rights Commission Chairman, by now a very popular figure partially owing to his combative body

language and animated appeals, has very passionately implored the Home Ministry to issue instructions to stop extra-judicial killings. The learned chairman believes that such issuance of instructions by means of gazette notification that would highlight punishment for deviant actions in this regard would effectively curb the malaise of extra-judicial killings.

The Chairman, National Human Rights Commission, an academic (formerly professor of law at Dhaka University) cannot be faulted for being too passionate and taking an academic view of an anachronism that is sapping the credibility of our law enforcement system. Therefore, when he says that issuance of instructions would stop extra-judicial killings he may not realize, that by such utterance he perhaps unwittingly stands guilty of being naïve. The question is, are penal laws, both substantive and procedural, regulations and administrative instructions in short supply to tackle the aberration of extra-judicial killing?

The reality on ground is that there exist very serious penalties for extra-judicial killings that are at times cold-blooded and pre-meditated murder. The authority has time and again pointed to the serious dereliction that is associated with the highly objectionable extra-judicial killings. The government has sternly warned that no extra-judicial killing would be tolerated and violators would face dire consequences. The outcome has not, however, been as desirable as hoped.

The question is, are we trying to treat the symptoms without going into the roots of the disease? Are we failing

to notice the aberrations that have crept into the crime management system and eulogizing patently illegal practices out of myopia and misplaced exuberance? Is it also time to examine if we have failed to see the difference between vigilante action and protective acts of a civilized government?

Efforts to study the malady of extra-judicial killing would reveal that otherwise sensible public leaders have often appreciated the usefulness of such killings by decrying the failure of the criminal justice system to punish the

approval then there remains no justification for maintaining and supporting a justice system at public expense. The question is how low shall we stoop and offend the democratic sensibilities?

Shall not our present predicament compel us to examine and find out if the working of various institutions in the criminal justice system was interfered with and they were not allowed to do their due? Such premonition cannot be summarily dismissed in our situation where crime, criminality and criminals could not be dealt with in an

known the pathetic as yet compelling factors behind the growth and maturing of criminals, the shady role of the patrons and the alleged inertia of the regulatory units.

What we need is adequate provision of witness protection and victim support in the criminal justice administration. To make those effective we need large injection of governmental funds. Any further delay will only swell the ranks of summary-justice seekers and the admirers of vigilante action. The decapitating adversity of the victims of crime demand mainstream support of the system.

The extra-judicial deaths along with the surrounding circumstances in our case need to be scrutinised in the light of the mandatory legal stipulations to examine if such deaths actually resulted from acts of self-defence by security personnel.

The fact of the matter is that when investigative skills entailing unbiased efforts emerge consequent upon a strong political direction, there would not be any need to resort to extra-legal measures. In such an atmosphere, information and intelligence would come voluntarily to the benefit of victims of crime. We must, therefore, strive to create an environment where the blight of extra-judicial killings would be blissfully absent.

The rule of law and criminal jurisprudence may appear to be unequivocally in favour of the offenders, the criminals, the law-breakers, the accused persons. That does not automatically give a licence to resort to illegal measures because a civilised government must earnestly strive to demonstrate that law-enforcement effectiveness and civil liberties can co-exist in a society governed by the rule of law. We need to get out of the extra-judicial mindset.

The writer is a columnist for The Daily Star

Japan's nuclear tragedy

We are deeply shocked

JAPAN is now fighting its worst ever crisis after the Second World War. On top of human tragedy caused by the earthquake and tsunami, the danger that is yet unfolding is coming from the badly damaged Fukushima Dai-ichi nuclear plant in north-eastern Japan.

We have already expressed our deep sympathy for the quake-and-tsunami-stricken people of Japan. We now join the international community in voicing concern for Japan's nuclear accident-induced predicament.

The earthquake and tsunami-damaged Fukushima Daiichi nuclear plant is now at the centre of global concern. The seriously affected buildings that contain nuclear reactors and pools of spent fuel rods are emitting radiation. It is being feared that cores of four out of six reactors have been damaged by earthquake. Two of the reactors appear to be the cause of greatest concern. Efforts are on to cool down the heated up reactor cores and fuel rods by spraying water from helicopters and water canons. The operator of the nuclear facility, Tokyo Electric Power Co (Tepco), is trying to repair and restart the backup power generators of the affected units. It is being strongly believed that power dislocation at the quake-hit plant is the cause of damage to reactor core's cooling system.

However, the temperature and radiation levels in the nuclear plant's immediate vicinity are still not very alarming. The latest estimate by the Japanese authorities indicates that the accident level at the nuclear plant is two points below the highest at seven fixed by the International Atomic Energy Agency (IAEA).

Experts are of the view that if the attempts at cooling down the damaged reactor cores and spent fuel pools do not succeed within the next 48 hours, things may spin out of control.

Japan has sought international assistance in effectively fighting the present crisis. The US, France, the IAEA and others with adequate know-how to handle such type of nuclear disaster have responded eagerly. We urge all-out international assistance for Japan to tide over the crisis.

It is hoped that the Japan nuclear disaster should be a warning for all. Bangladesh, now seeking nuclear option for power, needs also to be on guard.

Disciplining three-wheelers

Passengers can't be at their mercy

ACCORDING to a government decision, every CNG-run three-wheelers should carry passengers according to where they want to go. But they are bound to go by fare-meter.

Far from it, there has been repeated violation and flouting of rules by the three-wheeler operators. They have been openly refusing to go by meter and demanding exorbitant fare to any destination. Moreover, they are bluntly selective about places they prefer to go. The audacity of the defiant drivers has come to such a pass that the situation needs to be immediately remedied.

Mobile courts comprising the Dhaka Metropolitan Police (Traffic) and Bangladesh Road Transport Authority (BRTA) jointly carry out drives against this mal-practice but only occasionally. The drive from January 16 until February 8 brought about some good results. More than a thousand cases were filed and nearly five lac taka was realized as penalty from the drivers. The team also seized forty three-wheelers and duped them. Since the exercise is not regular, violation continues to occur. Special drives, which now seem to be on hold, should be resumed soon.

Recently, the government increased the fare from Taka 14 for the first two kilometers to Taka 25 and Taka seven (previously Taka 6) for each subsequent kilometer. But things have hardly had any bearing on the owners and the drivers. The sufferings of the passengers continue. Drivers put up excuse that owners exact excess rental from them. Why should poor passengers be caught in the crossfire of differences between the operators and the owners? Drivers' issues with the owners seem to be endless! We wonder when all these will be resolved.

We call upon the authorities in the strongest terms to arrest this drift and take stringent measures against the errant drivers to make them abide by rules. Owners should also be brought under surveillance. Passengers cannot remain at the mercy of the drivers and the owners.

BETWEEN THE LINES

Identities don't transcend unity



KULDEEP NAYYAR

IT is difficult to believe that the Jamiat-e-Ulma Hind should advise the Muslim youth not to watch television or hear music. I believe in Azamgarh district

in UP, Muslims in villages do not watch TV because of the propaganda that it is un-Islamic to do so. The same Jamiat was deadly opposed to the creation of Pakistan because it did not want a separate country sought to be created on the basis of religion.

Pre-independence Muslim League was quite candid in its inference that after the departure of the British, the Muslims would be reduced to a hopeless minority and would be in no position to assert themselves to get their due. Therefore, the demand of the League was for an independent country to look after the affairs of the Muslim community. It is another matter that Pakistan did not follow the advice of its founder Quaide-e-Azam Mohammad Ali Jinnah not to mix religion with politics or state.

The Jamiat bravely stood by the side of the Congress which promised to set up a secular country after freedom. To raise the question of separate identity for Muslims after 10 years belies the Jamiat's original stand against partition. It was equally categorical in its stand that the Indian identity submerging all other identities -- Hindu, Muslim, Sikh and Christian. Only the other day did it issue a fatwa against Jihad, a war the Taliban were waging in Afghanistan and the north western border districts of Pakistan to impose the true tenets of Islam.

For the same organisation to warn against TV or music is to more or less ditto what the Taliban demanded and implemented when they came to power in Afghanistan or when they temporarily ruled the Swat Valley in Pakistan. The approach of the Taliban has been rejected by a large majority of

Pakistanis who may stay silent out of fear but support the government in its efforts to combat terrorism.

Civil society takes the cake. It is getting thinner day by day and less and less determined in upholding liberalism. The assassination of Salman Taseer and Minister Shahbaz Bhatti was not condemned by all the intelligentsia. Yet there is a determined lot which opposes the dictum of preferences and prejudices. Threats can drown the limited challenging voice, but cannot deny their existence.

Why the Jamiat is resiling from its

ing separate cultures. All identities draw strength from the Indian identity which is secular and democratic. This belief has kept the country together. The Jamiat should never forget that.

The revolt in the Arab World is all about defiance to religious fundamentalism or obscurantism. Old customs and traditions are not sacrosanct. They have to be reinterpreted to give space to new thinking. The youth have proved through their sacrifice that the modern is not bad just because it is new. It represents a fresh thinking. Yet it retains all that the religion demands.

The line plugged by the Jamiat-e-Ulma Hind may consolidate the Hindu vote on the BJP side. This is suicidal. Muslims should secularise Hindus if and when they are found wanting.

original position may be because of the influence of Pakistani leader Fazal-Ur-Rehman who is said to be a constant advisor to Jamiat-e-Ulma Hind. He did not like the views of liberal Pakistan People's Party (PPP) and parted company with it some time ago. He withdrew support at a time when the government needed him the most. His politics is according to what serves his own interests. Why should the Jamiat be under his spell just because both are Deobandis?

There is nothing wrong in Jamiat's exhortation to Muslims to preserve their way of living. But this should not come in the way of the composite culture which the country has sedulously built over hundreds of years. The Indian culture is an amalgamation of different cultures followed by Hindus, Muslims, Sikhs and Christians. The different communities pursue their way of living, beliefs and individuality. Yet the outcome is multi-cultural. This is what is called unity in diversity, the Indian culture transcend-

The Jamiat has also announced to set up 'social reform committees' to promote Islamic rules and social values. By all means there should be committees. But they should ensure that every Muslim boy and girl goes to school. They should find out why there are drop-outs. Muslim states, including Pakistan, see to it that the youth is engaged in learning because that is going to help them overcome the economic backwardness and the perennial unemployment.

Reservation for Muslims, as enunciated by the Milli Council at its meeting in Jaipur, is understandable. It is justified to some extent. But reservations cannot be on the basis of religion. The criterion should be economic and backwardness. Poor Muslims and those from the Other Backward Classes (OBCs) are being denied their due because the creamy layer in the Muslim community corners most of gains. It is a pity that the Union Ministry for minorities had done very little in this direction despite reports

by Justice Rajinder Sachar and Chief Justice Ranganath Mishra.

The minority way of living is, indeed, threatened by the majority way of living. This cannot be met by the way the Jamiat is going about it. An average Hindu is not bigoted. He has proven this in the last two general elections by preferring the Congress to the BJP. And however contaminated policemen, there are quite a few who have defied the Hindutava government of Chief Minister Narendra Modi in Gujarat. Sad, Hemant Karkare did not live but he saw to it that the blame of Malegaon blast was put at the door of saffron terrorists, the real culprits. The government took more time than necessary but established the link of Ajmer Sharif blast and the Samjhauta Express killings with Malegaon blast perpetrators.

Even in the Sangh Parivar, there is no cohesiveness. The RSS's strategy to establish a Hindu rashtriya does not tally with the BJP thinking which is focused on regaining power at the Centre as soon as possible. Even when L.K.Advani, who polarised the northern India through his yatra, admits that the demolition of the Babri Masjid dented the image of the BJP, he wants to atone for his mistake. By doing so, he may retrieve the alienated Muslim community, which commands some 15 per cent of votes in the country. How can a party come to power without them?

The line plugged by the Jamiat-e-Ulma Hind may consolidate the Hindu vote on the BJP side. This is suicidal. Muslims should secularise Hindus if and when they are found wanting. Furrowing a communal line or indulging in such thinking is against the interest of India, not just Muslims alone. A parochial approach can tell upon the country's secular and democratic structure. The Jamiat should know that.

The writer is an eminent Indian columnist. Visit website: www.kuldeepnayar.com

THIS DAY IN HISTORY

March 19

1279
A Mongolian victory in the Battle of Yamen ends the Song Dynasty in China.

1915
Pluto is photographed for the first time but is not recognized as a planet.

1920
The United States Senate rejects the Treaty of Versailles for the second time (the first time was on November 19, 1919).

1944
World War II: Nazi forces occupy Hungary.

1945
Adolf Hitler issues his "Nero Decree" ordering all industries, military installations, shops, transportation facilities and communications facilities in Germany to be destroyed.

1962
Algerian War of Independence: A ceasefire takes effect.

1972
India and Bangladesh sign Treaty of Friendship, also known as the Indira-Mujib Treaty.

1978
UN Security Council Resolution 425 is passed, calling upon Israel immediately to cease its military action and withdraw its forces from all Lebanese territory.