

Limon's sufferings go on

Those who maimed him must face the law

THE administration does not seem to have been moved by the outcry over the Limon affair. Ever since the sixteen year-old was shot by RAB personnel on the dubious charge that he was a criminal, he has had his left leg amputated and has had the further misfortune of seeing the police determined to implicate him in criminal cases. Limon's background suggests nothing that can remotely link him to any criminality. The police themselves have found no record of any earlier case against him. Recently, the RAB chief went public with his view that Limon was a victim of circumstances, meaning he was caught in 'crossfire'. That was something of a climb-down for RAB, but it was clearly not enough. Limon now faces persecution from the police, who have their cases against him ready.

Limon's parents have somehow had their case against the RAB men who shot their son accepted by the police. Bizarrely, though, no one has been arrested. The suspicion lingers that the police are unwilling to move against the RAB men despite it now becoming obvious that RAB acted against Limon wrongfully and has imperilled his future. As if that were not enough, Home Minister Sahara Khatun now informs us that the government has nothing to do about the matter since it is now in the hands of the court. We are appalled at the minister's attitude, for it only shows that the authorities are still in denial mode over the tragic incident. To suggest that the police and RAB were right and that despite all the facts being there Limon remains a criminal is absurdity taken to extremes. Worse, it gives citizens the impression that the rule of law is being trifled with by the very individuals and institutions that should be upholding it. Ironically, the very police officer who pressed charges against Limon has also been given the task of making follow-up investigations on the case filed by Limon's parents. Do the authorities truly think that the same man who is determined to punish Limon can also ensure that he is cleared of the charges against him?

The law must take its natural course. Let those responsible for Limon's misery be prosecuted, in public and to the fullest extent of the law.

Inspiring words, indeed

Cardinal's visit proves auspicious

NOTHING could be a greater tribute to the state of inter-religious relations in Bangladesh than that paid by Cardinal Tauran in Dhaka Wednesday. On a five-day sojourn in Bangladesh as special envoy of Pope Benedict XVI, he has already endeared himself not only to the Christian community but also to members of other faiths.

Quite significantly, he alluded to the 'great patrimony' that Bangladesh has acquired in the area of inter-religious relations. This, said he, "can be placed at the service of the world."

To receive such compliments from an authentic voice is heart warming. At the same time, however, it is for us a call to duty, to maintain and build on the good traditions of inter-religious harmony we have had.

It is quite in sync with the times that an inter-religious dialogue has taken place in Dhaka, heralding, what we would hope, a process whereby religious groups will periodically talk and allay any misgiving that could creep in through the machinations of a miniscule minority.

That culturally, traditionally and constitutionally Bangladeshis are imbued with a sense of inter-faith tolerance and harmony was well-recognised at the dialogue.

The cardinal's pragmatic approach is laudable. In his words, inter-religious dialogue could be suspect to those inclined to brand and accuse religion 'as a source and cause of intolerance and conflict'. The overriding fact, however, is, as our state minister for religious affairs said, "religion has been a primary force for social and human development."

If we are respectful of one another's religion, the nation as a whole stands to benefit through the creative energies of all communities in an environment of social peace and stability.

Cardinal Tauran's words are specially valued because his is the second high level visit from the Vatican since 1986, when

THIS DAY IN HISTORY

April 30

1492

Spain gives Christopher Columbus his commission of exploration.

1789

On the balcony of Federal Hall on Wall Street in New York City, George Washington takes the oath of office to become the first elected President of the United States.

1945

World War II: Fuhrerbunker: Adolf Hitler and Eva Braun commit suicide after being married for one day. Soviet soldiers raise the Victory Banner over the Reichstag building.

1948

In Bogotá, Colombia, the Organization of American States is established.

1975

Fall of Saigon (or Liberation of Saigon from the Communist perspective): Communist forces gain control of Saigon. The Vietnam War formally ends with the unconditional surrender of South Vietnamese president Duong Van Minh.

STRAIGHT LINE



MUHAMMAD NURUL HUDA

court of law as the conflict resolution mechanism of a civilised democratic society. In fact, the apex judicial entity, which is the Supreme Court, is vested with the onerous responsibility of interpreting the constitution, the supreme law of the land. Judicial supremacy is, admittedly, the hallmark of an orderly and just society, at least in matters relating to affairs of the state.

To the Romans, "Justice was a goddess whose symbols were a throne that tempests could not shake, a pulse that passion could not still, eyes that were blind to any feeling of favour or ill-will, and the sword that fell on all offenders with equal certainty and with impartial strength." It is thus incumbent on all concerned to retain and sustain the dignity and majesty of the court that dispenses justice.

Well-meaning and discerning observers would perhaps agree that events and occurrences within court premises in Bangladesh in the recent past have at times made a dent on the dignity and solemnity of the court. The reference is to the aggressive slogan-shouting processions and counter processions by learned lawyers in court premises, particularly after some pronouncements of

HERE can be no two opinions on the paramount necessity of having an upright and honourable

the court that angered one group while elating the other. In the not-too-distant past the doors of the justice of the apex court were banged by angry lawyers who accused the chief justice of being partisan. Reportedly, the attorney general's office did not escape the

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wrath of protesting lawyers.

Another unsettling scenario in the court premises becomes disturbingly visible to the public view when senior political leaders go in person to appear before the court. Such leaders are often accompanied by scores of lawyers, being aided by many political workers. There is an atmosphere of near pandemonium. While the body language of the lawyers and their supporters make one feel that they (lawyers) consider their leader's appearance in court a worthy occasion to display their political strength the harried law enforcement personnel remain in a bewildered state.

This writer understands that the court is a public place where entry is not restricted except under demanding circumstances. However, the question that agitates the concerned

mind is whether an assembly of persons, lawyers inclusive, that appear to apparently overwhelm and browbeat the judicial process, shall be allowed to continue; and whether such aggressive postures within court premises diminish the dignity and clout of the judiciary.

An additional query is, if, during an important political person's appearance the presence of disproportionately large numbers of lawyers is necessary to ensure the due process of law. One could be oblivious of the additional expenses incurred by the public exchequer for deployment of security personnel on such occasions.

The Bangladesh Bar Council Canons of professional conduct and etiquette says that "it is the duty of an advocate to maintain towards the court respectful attitude, not for the sake of the temporary incumbent of the judicial office but for the maintenance of its supreme importance." It goes on to add that "a self-respecting independence in the discharge of professional duty, without denial or diminution of courtesy and respect

due to judge's station, is the only proper foundation for cordial personal and official relations between the Bench and the Bar."

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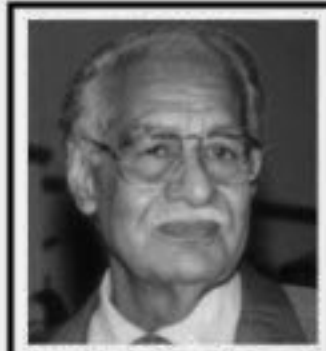
The role of the court has been eloquently narrated by Justice Frankfurter who said: "The court has no reason for existence if it merely reflects the pressures of the day. Our system is built on the faith that men set apart for this special function, freed from the influences of immediacy and from the deflections of worldly ambition, will become able to take a view of longer range than the period of responsibility entrusted to Congress and Legislatures."

The legal profession, we are given to understand, claims the allegiance of unswerving honour and asks for the guardianship of high tradition and also affords a wide field for loyal and generous service to the community. Our lawyers will surely not allow their profession to narrow their mind, as there is no horizon too large for them to gaze at. Men and women in black coats in Pakistan restored the dignity of their chief justice, defying the military. Our lawyers can surely hold aloft the dignity of the court.

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BETWEEN THE LINES

What to do with Modi?



KULDIP NAYAR

However, when a country's prime minister takes to such an exercise, it means he wants to say something specific but does not like to face the storm it might evoke.

Prime Minister Manmohan Singh has said at Kolkata that Gujarat Chief Minister Narendra Modi has given more jobs to Muslims than the Left government in West Bengal. He may be factually correct. But does this lessen Modi's crime of planning and executing the killing of Muslims in 2002? Roughly 3,000 Muslims were killed and many more thousands looted and ousted from their homes and lands.

If Modi has given some jobs to Muslims, he has not in any way made amends for his diabolical scheme of ethnic cleansing. It is unfortunate that the prime minister should commend Modi at a crucial state election campaign. In a way he has tried to cover up the biggest mass murder after independence.

This uncalled for praise of Modi is ominous in many ways. The Supreme Court has appointed a Special Investigation Team (SIT) to reopen the cases of fake encounters and other crimes. The Gujarat government and, more so, Modi are in the dock. Do the prime minister's remarks reflect in any way the central government's thinking on the judgment? The verdict is yet to be delivered. Modi has already started preparing the ground for criticising the judgment.

Some 14 policemen, who are being prosecuted, have said that they have no faith in the SIT inquiry. Another disclosure has tumbled out of the state's cupboard. This time the state Inspector General of Police Sanjeev Bhatt has spilled the beans. He has said in an affidavit that Modi wanted the police to let Hindus "ventilate their feelings" and "teach a lesson to

the Muslims." The police officer was referring to a top-level meeting on February 27 after the Godhara incident when a train compartment was set on fire in which some Hindu kar sevaks were burnt to death.

I have had no doubt about Modi's involvement from day one. When I visited Ahmedabad two days after the killings and talked to men and women in refugee camps, I could reconstruct a story of a pre-meditated murder of Muslims in the entire Gujarat state and their forcible eviction from homes and hearths. It was a familiar pattern of killing and looting, with police staying at distance.

What the nation has to worry about is that one Modi has distorted India's ethos of pluralism. That he has brainwashed most Gujaratis is a dangerous development. He won the state election even after "ordering" the massacre. The very ideology of secularism is endangered if Modi gets away with what he did.

At that time, I was a Member of Parliament and wielded some authority. The present chief secretary was also the chief secretary when the killings took place. I admonished him for not taking action against the mob with swords and even guns. He explained to me that it was the failure of law and order machinery. Little did I know at that time that the law and order machinery was part of a pogrom that was carried out. Subsequent disclosures made it clear that the government was an active participant.

Looking back, it is apparent that India's secular polity did little even after knowing Modi's culpability. Seven years ago the Supreme Court took notice of fake encounters for the first time. It appointed SIT under its own supervision. Even though late, the entire conspiracy is being peeled out like the skins of an onion. SIT has submitted the report to the

Supreme Court this week with the finding on whether Modi had actually ordered police officers to take no action against rioters.

One person who could have taken action against Modi was Bhartiya Janata Party's Prime Minister Atal Behari Vajpayee, during whose tenure the massacre took place. I believe that he wanted to dismiss Modi. But the RSS, the BJP's mentor and leaders like L.K. Advani did not allow the prime minister to act. On his own Vajpayee, did not have the political support to take on the RSS and Advani at the same time.

However, lack of action does not change the fact of Modi's involve-

ment. A police official has said that Bhatt was not present at the meeting where Modi had given the instructions. But Bhatt's driver has told the media that he drove his boss to Modi's bungalow for the meeting. Strange, the entire campaign of government is directed at denying Bhatt's presence at the meeting. More important is his affidavit which leaves no doubt about Modi's guilt.

All eyes are focused on the Supreme Court, although there are allegations that SIT has been selective in admitting evidence. Bhatt's affidavit was not even considered when he submitted it for the first time. Whether his fresh affidavit was taken into account before SIT gave its report is not known.

The question which the government of India has to answer is whether it would take any action at all. If it were a matter of moral responsibility, the chief minister

should have quit long ago. Instead, Modi has built a campaign to show how Gujarat has achieved 12% growth rate and how his tight administration was an example for the rest of the country. In fact, top industrialists had been taken in by this propaganda when they met at Ahmedabad two years ago to declare Modi as the best person to be the country's prime minister. These things hardly matter against what Modi did in 2002.

Ultimately, the centre would have to decide how to punish Modi. I do not think that the Manmohan Singh government or, for that matter, the Sonia Gandhi-headed Congress has the gumption to do anything even if the Supreme Court passes strictures against Modi, without directly blaming the chief minister. The prime minister's remark at Kolkata indicates his attitude.

What the nation has to worry about is that one Modi has distorted India's ethos of pluralism. That he has brainwashed most Gujaratis is a dangerous development. He won the state election even after "ordering" the massacre. The very ideology of secularism is endangered if Modi gets away with what he did.

This is the reason why the constitution makers had laid down that the centre could impose President's rule if there was a breakdown of law and order in a state. Political considerations came in the way of what should have been done nine years ago. His government should have been dismissed. Should the centre be dependent on political exigencies?

It would be a tragedy if such planned killings as happened in Gujarat are decided in a way where he gets the benefit of doubt. Modi's is a test case for the entire nation, particularly the minorities. Neither the court nor the centre can afford to play with India's basic structure of the constitution: democratic, secular polity.

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