

## Misuse of legal instruments

*Do not distort the law*

**M**UCHAS we abhor the idea of hartal and general strikes, it still happens to be a political instrument which has not been outlawed by the court as yet. And to the extent that the strikers are exercising their rights peacefully and without encumbering others who want to go about their business without let or hindrance, they must be allowed to exercise that right.

In this context we feel strongly too that it is for the government and the administration to ensure the safety and security of persons as well as private and public property. But seeing the police in action over the last 36 hours of the hartal called by the BNP, it appeared that the government is unwilling to give any political space to its opponents at all ostensibly for the sake of law and order. The police, we feel, have been rather proactive, to the extent that even journalists were barred from performing their professional duty in certain instances.

While violence in certain areas of the capital on the evening of 11 June must be condemned most strongly, and we wonder why none of those that perpetrated violence that evening has been hauled up as yet, denying the BNP the right to hold meetings or bring out processions is abnegation of their fundamental rights. And the justification the government has offered, that it is to preempt violence that such measures have been taken, only exposes its hardline attitude towards its opponents.

We are also constrained to say that the way the provisions of mobile courts were applied during the hartal is distortion of the law. It is alleged that innocents are being caught up in the tangle. As far as we know, meetings, processions and gatherings have not been banned, nor do we know of Section 144 being imposed in any part of the country. Under these circumstances the pretext of arrests of people, some of whom are not even party cadres, does not wash with the public. Let the legal experts dwell on its legality, but as far as we are concerned, a mechanism that does not allow one the chance to plead one's case, carries the risk of being misused, as has been the case this time.

## Domestic violence

*Stern action a must*

**T**HE recent case of a teacher of Dhaka University being physically assaulted by her husband has caused public outrage among members of civil society. On its heels has come the story of another woman beaten to death by her husband following an argument between the couple -- one of many stories which make the news every day, and one of several which don't.

Bangladesh ranks one of the highest in the world with respect to violence against women and, in terms of domestic violence, 50-70% of women in the country report being abused by their male partners. This is despite there being ample laws prohibiting violence against women, including domestic violence.

The causes of domestic violence identified range from sexual inequality within a patriarchal system, poverty and a lack of understanding of women's rights to, alarmingly, corruption within the justice system. Many cases of domestic violence go unreported; the majority of them are not brought to court; few are awarded convictions. Experts have expressed concern over the fact that a culture of acceptance, even, has grown and is being transmitted from generation to generation to the point of being institutionalised.

Domestic violence is not a private affair -- it has damaging repercussions throughout the rest of society which is taught to accept the subjugation of women. Educating and empowering women is key in helping them to understand and fight for their rights; however, these rights must also be respected by society and the culture of tolerance towards violence broken. Until and unless there is a change in the social mindset, strict enforcement of the law may be the only way to prevent such crimes. We urge the government and the justice system to deal sternly with such crimes and mete out exemplary punishment in order to eliminate these crimes.

## THIS DAY IN HISTORY

June 14

**1287**

Kublai Khan defeated the force of Nayan and other traditionalist Borjigin princes in East Mongolia and Manchuria.

**1777**

The Stars and Stripes is adopted by Congress as the Flag of the United States.

**1821**

Badi VII, king of Sennar, surrenders his throne and realm to Isma'il Pasha, general of the Ottoman Empire, ending the existence of that Sudanese kingdom.

**1940**

World War II: Paris falls under German occupation, and Allied forces retreat.

**1941**

June deportation, the first major wave of Soviet mass deportations and murder of Estonians, Latvians and Lithuanians, begins.

**1982**

The Falklands War ends: Argentine forces in the capital Stanley unconditionally surrender to British forces.

### ENIGMATTERS



MOHAMMAD ALI SATTAR

of democracy is no more a part of our political culture. It has been marred, stained and heavily bruised by bad politics and concocted doctrines.

Political traditions grow little by little. People go through long tests and tribulations with values and practices. The growth has no end. It is a process that starts anywhere and never ends, for it never reaches perfection. But it gets healthier everyday when people and political players strive for an egalitarian society.

Said an American thinker, in its broadest sense, political culture is the political atmosphere or climate of a nation's government as it is perceived by its people. It is based upon a shared identity or belief system in the government and its functions.

Soon after the concept of political culture was launched by an American thinker in late '50s, it gained ground in emerging democracies all over Europe. Two European political scientists, Gerhard Lehmbruch and Arend Lijphart, after analysing politics in Switzerland, Austria and Netherlands, concluded that there are political systems that are more stable than the one in the US. Hence, the importance of an ideal political culture!

Various political cultures developed in diverse shades under anarchism, oligarchy, classical liberalism, radical liberalism, democratic socialism and fascist corporatism. Each is unique to nations, state and other groups.

It is not right to have dogmatic view of things. Political traditions and practices have grown in different parts of the world against different backdrops. So it's not possible to consider any structure ideal or the ultimate. Systems have flaws, or immature handling makes them disputed. For a proper democracy to function, an educated citizenry is a

strong prerequisite, which most of the countries are not blessed with.

Today, if we are asked "what do you think of the main political parties?" Or "what do you think of your government?" How do we answer? "Political parties do not practice democracy and the government is intolerant to any opposition to it," happens to be the ideal response.

Our political culture has been affected by over-ambition and under-achievement. People fought against the repressive regimes of Pakistan. They fought for rights and freedom.



Amirul Rajiv

*Instead of unity in diversity, elements of mistrust and disbelief crept into our systems, which in course of time took a worsening shape. Our political culture has been registering a negative growth since independence.*

Therefore, it is not right to surmise our people were naïve about civil rights and political views. But they were not "politically urbane" to establish a flawless system.

Our leaders proved to be inept to cope with the post war conditions and failed to read people's mind and needs. However, under new settings, there was an automatic start of a political culture with no clear goal and under no particular bracket. The ideologies were idyllic but practices were not. Political ideologies changed. One party rule (Baksal) was

based upon certain ideas not essentially pro-people. The post 1975 period saw emergence of multiparty democracy, but again people's aspirations were hardly met.

The unity of 1971 was found losing ground. The crack in the socio-political systems became evident more intensely with the passage of time. The political culture of the country found its source from variegated political views from schools of leftists, rightists and centrists representing nationalism (Bengali and Bangladeshi), religion, communism

and secularism. Instead of unity in diversity, elements of mistrust and disbelief crept into our systems, which in course of time took a worsening shape. Our political culture has been registering a negative growth since independence.

With speedy departure of quality leaders a new form of "commercial" politicking took over stealthily, making it a full grown system over the last three decades. Concepts of "values" and "ethics" have changed.

Two major political players, Bangladesh Awami League with its 60

office? Off to jail without bail.

Perhaps it is the thought of abortion that is making some Congress leaders hysterical. Some of them are turning abusive, and aggravating this offence by making a virtue of the unnecessary. Others, with higher ministerial ambitions, have opted for political rather than personal virulence. They are treating dissent as treason. One of them declared that this was a virtual war against the state and drew out a precise map of the space he had allotted for opposition activity. Anyone who stepped out of that line deserved a muscled thump,

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dence or influence witnesses, so how could they do so now?

Indeed, if proximity to power was sufficient for life in lock-up then Suresh Kalmadi, or anyone else in the Congress, has no chance of leaving Tihar for many years, irrespective of whether they were guilty or not. If he does get tetchy, Karunanidhi could even wonder how the courts will deal with some powerful Congress names who could be next in line, since they approved all the decisions on G2 made by Raja. But all this disappears into the academic category. The court's thinking is categorical: in

if not some unlit recess of a *mofussil* prison.

The pompous rhetoric surrounding nothing more savoury than self-interest is always shrouded in various aspects of patriotism, of course. Out of kindness, we shall not mention their names, but even a casual look at the newspapers will suffice to reveal who they are.

Claim and accusation are not relevant. The moot fact is that governance has disappeared much before this government has disappeared. The union government has frozen into a caricature, with some of its

years of credible history and thirty year old Bangladesh Nationalist Party have been the determining factor in Bangladesh politics since 1991. Smaller ones have teamed up with either of the two to remain in the scrimmage. This is a good omen for democracy where multiparty activities are a strong quarter.

But the outcome hasn't been good enough. We are faced with the danger of extinction of democracy in parties and institutions. Arrogance and impatience have taken over our politics. People can disagree on an ideology but that should not push them to adopt a political culture of hatred. We have time and again failed to take the best out of the opportunities we get.

Our leaders, in their subconscious, have been fostering the idea of "either you are with me or against me." They play a largely conservative and custodial role rather than being innovative. The effect of our political culture can be observed in social behaviour. We have become confrontational.

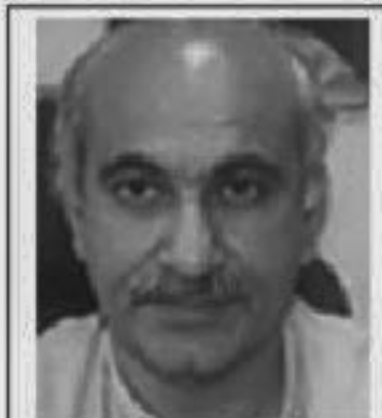
Today, our leaders only think of other options than constructive engagements. A worthy political dialogue is still to come.

BNP apprehends danger to its existence. The leader thinks she has no reason to accept the "dialogue offer" made by the government. She rejected all possibilities of a compromise until the government abandons the idea of scrapping the caretaker government system. The government, instead of showing restraint is rather fanning the rage that prevails in the opposition camp. It is always the onus of the government to extend the olive branch first! Aren't we, once again, heading towards an ominous future?

We stand far removed from moral political culture where society is held to be more important than the individual. We are more in individual political culture. Private concerns are more important than public concerns here. The leaders are looked upon with a great degree of cynicism. Grimy politics tends to be accepted as a fact.

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### BYLINE



M.J. AKBAR

historian of Congress affairs could be tempted to point a finger at the Delhi High Court. The Court has asked DMK patriarch Karunanidhi to choose between a loving father of his daughter Kanimozhi and a loyal ally of Dr. Singh. Unlike the Biblical King Solomon, famed for innovative justice, the Delhi High Court has not offered a solution to tricky problems. It has merely delivered its obiter dicta and adjourned.

Simply put: if Karunanidhi wants Kanimozhi out on bail, which he has every legitimate right to desire, he will have to walk across to the opposition benches in the Lok Sabha, thereby in all likelihood initiating a process that could precipitate a premature general election.

Even a cursory reading of the honourable court's reasons for rejecting yet another bail plea, on June 8, makes this obvious: "They [the petitioners] have got strong political connections. Petitioner Kanimozhi Karunanidhi belongs to same political party to which accused A. Raja belongs and the said party is sharing power in the central government." That's it, then. If you share power in the central government you share a

jail in Delhi. You do not have to be a convict to languish in jail. Being an accused is sufficient, as long as you are among the rulers of the nation.

Logic is not an option. Karunanidhi might well argue -- as he is probably instructing his counsel to do before they move up to the Supreme Court -- that if he had the clout to disrupt the course of justice, Kanimozhi would hardly be in jail. He might suggest, reasonably, that Kanimozhi and A. Raja, former telecom minister, had been out of prison for years before their incarceration and did not tamper with evi-

ministers sallying forth into people's territory from their castle, like so many Don Quixotes on individual missions against a rising crowd of windmills. It is as if whatever the union government touches ends up in shambles. Mistakes can be contagious, and the summer of 2011 is acquiring plague proportions. If there is still a semblance of sanity across the country it is because the state governments have not yet been infected with the plague.

The Congress has shown a remarkable inability to manage a partner, DMK, who has in fact nowhere else to go except oblivion. The acid drips from the wounds in this relationship are corroding the stability of the UPA alliance. It has proved incompetent in its response to those forces who are exercising their democratic right to destabilise the alliance. If a union government cannot take the measure of a maverick like Baba Ramdev, and find the right means of defusing someone who was always more bluster than substance, then it has no right to rule the country. Government has turned Ramdev into an unlikely hero for more voters than it can immediately count.

The Manmohan Singh government may not have lost its majority, but it has lost its poise and purpose, and is unlikely to recover its elan. The government seems in desperate need of a bail-out itself.

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