

Siddiquir's uncertain future

Use of disproportionate force by police

We commiserate with Siddiquir Rahman, a student of Titumir College, who was hit by a tear gas shell lobbed by the chasing police at the procession of college students of which he was a part. He risks losing both eyes, according to the doctors.

Several questions emerge from the incident. Firstly, we ask whether the students were violent enough to merit the police action on them that culminated in lobbying of teargas. On the contrary, according to reports, it was police heavy-handedness that precipitated a situation where, we feel, the degree of force applied was disproportionate to the threat. Secondly, isn't there a minimum standoff distance to lob tear gas shell from? Was that ensured in this instance? The very close range from which the shell was lobbed, as evident from the video footage, does not seem so. Thirdly, why is there a tendency by the police to give a slant to an incident before a proper inquiry has been done? Attempt to lay a red herring is very evident by suggesting that there could be other causes of the injury, like brickbats thrown by the student? It's difficult to believe that students would subject their own mates to danger. And if brickbats were thrown all, it would have hit the head, not the eye!

Accidents can and do happen. But to try to cover it up is not the answer. On the contrary a thorough and objective inquiry as to what actually happened can help prevent such accidents or take to task those that violated the standing orders.

We hope that a proper investigation will be done by the authorities and appropriate action taken in this regard. We also feel that Siddiquir deserves more than mere expression of compassion to enable him to deal with the uncertainty that he faces as a consequence of injury to both his eyes. And the administration should take the lead.

Bangladesh excels in Int'l Math Olympiad

Heartiest congratulations to the team

WITH two silver and two bronze models, two honorary recognitions and a collective score of 111, Bangladesh's performance in the prestigious International Mathematical Olympiad is an apt reminder that if a job is worth doing, it is worth doing well. Not only did the six-member team perform exceedingly well in the contest for pre-college students, making Bangladesh the top-scoring nation in South Asia but falling short of necessary points to be in the top 25, it also saw the country climb eight places up the global rankings on the strength of this performance. Our heartiest congratulations to those students who made it possible.

But this was no overnight success. It took years of hard work, meticulous planning and steadfast determination for Bangladesh to be in the position that it is now—a success model that delivered within just 13 years of its foray into the global contest. Students participating in the Olympiad are selected through a series of local contests organised by the privately-funded Bangladesh Mathematical Olympiad Committee, a process meant to scout out and groom mathematical talents from across the country.

Such initiatives give us hope at a time when there are fears the students are losing interest in mathematics and standard sciences. The fact that private actors are stepping in to change the scenario is encouraging, but we also need the government to play an active role in this regard. It should take the lead when it comes to organising such initiatives, and create an environment in which the students would feel encouraged to take up sciences.

LETTERS
TO THE EDITOR

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Saving lives from potential dangers

The pathetic sight of the heart-rending cries of Rakib and a girl following the massive landslide in Sitakunda Hills that resulted in the tragic death of 5 members of a family was indeed too much to bear. It signifies a basic difference between the countries consistently ranking high in Human Development Index and others in South Asia, South-East Asia, China, and West Asia that rank low. While the former group of states accord a high priority to their citizens, the latter has specialised in resorting to cheap gimmicks instead of trying to ensure basic necessities for the majority. It is true that natural calamities cannot be prevented, but the concerned authorities need introspection about whether they had honestly tried their best to save lives from potential dangers and mitigate the potential damage. Otherwise, many others like Rakib will continue to find themselves in such dire straits. Kajal Chatterjee, Kolkata, India

Congratulations, Sean Spicer!

Sean Spicer has resigned as the White House Press Secretary, bringing to an end the tumultuous six-months as the public face of Donald Trump's administration. It was quite obvious that the "Trump-Spicer marriage" would endure an early divorce. Being in such a position, Spicer got to deal with journalists' inquisitive eyes. It became increasingly difficult for him to defend the president. Congratulations, Sean Spicer, for stepping down from the job of being the scapegoat, and entering a life free of such intense stress. Selim Reza Mridha, Chittagong University

EXTRAJUDICIAL KILLING

Sordid admission, cryptic apology



"THERE were quite a few cadres (armed goons) and hoodlums in Savar. Now the situation is still as water. No one dares to utter a word. I have put five persons to

cross fire and have prepared the list of another 14. It's all very quiet. After the list was prepared one or two (individuals) grabbed my feet and appealed to me to spare their life and promised 'we will be behaving from now on'". This is how a serving Member of Bangladesh Parliament, a medical doctor by vocation, explained the situation of his constituency (Dhaka 19) to a Bangla tabloid on July 19.

Within days the MP "withdrew" his own "uncalled for, indecent and condemnable" utterances. He felt "ashamed" and "sorry" and apologised to the nation. He went on clarify that he bore "full responsibility" for his act and there was no involvement of the government or his party, Bangladesh Awami League. The Bangla daily in its original report noted that it had records of the conversation with the MP.

On October 1, 2016 Shah Alam alias Nayan, the organising secretary of Savar unit of Jubo Dal, the BNP youth affiliate, was allegedly killed in "crossfire". He was picked up on September 30 from his Mohammadpur residence by two sub-inspectors of Savar police station. The law enforcement agency churned out the standard narrative--that Nayan was killed in encounter with miscreants when police went to recover arms after his arrest. The region experienced a few more such killings in the preceding and following months.

The MP's statement had a chilling effect on the opposition activists of Savar. Newspaper reports quote them expressing their feeling of insecurity. Many have reportedly fled the area; others have switched off their phones to hide their location. Some are eager to find if their names appear in the MP's list. If crossfire incidents in the recent past haunted them, the MP's admission



only reinforced their feeling of existential threat.

The MP's statement elicited some interesting responses. Reacting to it the veteran Presidium member of the ruling party and the minister of health noted, "People's representatives should be cautious before making such assertions. They should think twice about the reaction of the people such statements may elicit". Both RAB and police distanced themselves from the MP's statement. The spokesperson of RAB advised journalists to ask the MP about whom he put to crossfire and where. It appears that the forces did not feel the urge to secure any explanation from the MP on his confessions; nor those at the helm to ensure enforcement if the law appear to be disposed to launch any inquiry.

Over the years the leadership of law enforcement agencies as well as their political masters assiduously denied the claims of extrajudicial killing. In February this year, the Home Minister informed the Parliament that no extrajudicial killing is taking place in the country and the government is

determined to establish the rule of law. He went to claim that the government shows "zero tolerance" of the practice. The MP's admission has rendered such a contention untenable. This is not the first incident that a ruling party MP made references to crossfire. In mid-August 2016 another influential MP of Dhaka expressed his outrage at such killings by the RAB of a Jubo League activist.

Jurists have noted that the Enamur Revelation is the "manifestation of lawlessness" and "abuse of power by the politicians". The National Human Rights Commission has demanded investigation. If proved, such an offence can be charged as a conspiracy to commit crime (Sec 34), abetment of crime (Sec109), and committing of murder (Sec 302 of the Penal Code, 1860.)

The candid admission and the subsequent apology validate what the rights activists and a tiny segment of Bangladesh's intelligentsia have long been hammering on about. It unwittingly exposed the brute reality of the existence of extrajudicial killings and the alleged use of law enforcement

agencies to quell political opposition. The episode also brought into the open the reality of criminalisation of politics in Bangladesh—how a person sworn to the Hippocratic Oath, who earned the respect of the nation during the Rana Plaza tragedy, within years get frenzied by power and has little qualm in physically liquidating political opposition.

It is disheartening to note that MP Enamur's revelation has created little ripple among the political circles as well as in the mainstream civil society. It did not merit being a subject for op-eds in the national dailies or worthy of discussion in the umpteen numbers of talk shows that scramble for topics of interest for the viewers. One is also perplexed why even such horrendous disclosure does not ruffle the conscience of those who so eloquently champion the "Spirit of Liberation" of Bangladesh. After all, for lesser mortals that Spirit does encompass freedom from fear, and the right to live and die with dignity.

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Bearing the burden of undefined privileges



THE sentencing of two editors to one-year jail terms in the southern Indian state of Karnataka for alleged breach of legislative privilege draws into focus the role of the press in

reporting activities of lawmakers. While the arrests, ordered by the Speaker of the legislative assembly, have been stayed on a suggestion by the High Court, the issue of legislative privilege remains alive because what the assembly in Karnataka did last month mirrors actions taken in the past and could well be emulated by other legislative bodies, including India's parliament.

The genesis of the matter lies in the country's Westminster-style Constitution. When adopted in 1950, it said that the privileges of legislators would, until they were defined by parliament, be the same as those enjoyed by members of the British House of Commons on that date. This is an unexceptional provision because many Commonwealth countries have used the privileges of the Commons as a template.

In 1978, the Constitution was amended to read: "In other respects, the powers, privileges and immunities of each House of Parliament...shall be such as may from time to time be defined by Parliament by law and until so defined shall be those of that House and of its members and committee immediately before coming into force of Section 15 of the Constitution (44th Amendment) Act, 1978."

This was a disingenuous ploy to remove the reference to the House of Commons without in any way changing the import of the constitutional provision but one that ensured a person not possessing a pre-1978 copy of the Constitution would be utterly clueless about the privileges that legislators enjoy. While ignorance of a law is no defence, obfuscation on such a massive scale might well overturn even that settled proposition.

The intent of those who framed the Constitution was clear. Borrowing the privileges of British MPs was a temporary measure, and there was a clear injunction to India's parliamentarians to define and

codify their privileges. Sixty-seven years later, the privileges remain undefined and therefore both ambiguous and open to subjective interpretation.

Without going into the merits of the Karnataka case, it is necessary to state that the two journalists were found guilty of articles deemed defamatory by three legislators, including the Speaker. Various media bodies have deplored the punishment saying that when remedies for defamation were available, the privileges' route ought not to have been taken.

But the greater cavil that the media and rights practitioners have is that legislators have stubbornly refused to codify their privileges. These critics argue

the power and interference of the King and the House of Lords.

Indeed, a Joint Committee on Parliamentary Privilege of the UK parliament recommended in 1998-99 that "Parliament's jurisdiction over contempt committed by non-members should be transferred to the courts."

Australia invoked Section 49 of its Constitution and codified its privileges in the Parliamentary Privileges Act, 1987. It abolished (Section 6) the offence of contempt by defamation outside the House.

Several bodies in India have stressed the need to codify parliamentary and legislative privileges. The National Commission to Review the Constitution



Senior Journalist Ravi Belagere (right) of Hai Bangalore and Anil Raj of Yelhanka Voice tabloid appear before Karnataka Assembly Speaker KB Koliwad (not pictured) at Vidhan Soudha in Bengaluru.

PHOTO: PTI

that many other Commonwealth jurisdictions have already done so and in a manner that restricts the scope of parliamentary privilege rather than expand it at will, as they allege is the case in India.

Privileges of legislators are meant to insulate them from criticism and action for what they say and do inside the legislature. The privileges of the House of Commons were first claimed when it was struggling to establish a distinct role for itself within parliament. As noted by the British constitutional theorist Erskine May, these privileges were necessary to protect the House of Commons and its members, not from the people, but from

said in 2003: "The only idea behind parliamentary privilege is that members who represent the people are not in any way obstructed in the discharge of their parliamentary duties and are able to express their views freely and fearlessly inside the Houses and Committees of Parliament without incurring any legal action on that account. Privileges of members are intended to facilitate them in doing their work to advance the interests of the people. They are not meant to be privileges against the people or against the freedom of the press. The Commission recommends that the time has come to define and delimit privileges deemed to be necessary for the free and



independent functioning of Parliament."

The Second Press Commission, the Press Council of India, the Indian Newspaper Society and the Editors' Guild of India have at various times sought codification of privileges. But to no avail.

In a 2014 history of the Indian Newspaper Society titled *Threescore and Fifteen*, I had written: "The position of our Parliament has been consistent in two aspects – (i) It shall not codify its privileges and (ii) if the press wishes to know when and where it might be in breach, it ought to study all past rulings of the Committee of Privileges on the basis that if Britain can survive with an unwritten Constitution we ought to be able to survive with un-codified privileges. The flaw in this reasoning ought to be immediately apparent—we do have a written Constitution, one that had actually asked parliamentarians to codify privileges.

"Because the same position obtains in state legislatures, the undefined threat of a breach of privilege constantly hangs over the head of the publisher, and by the nature of its presence acts as a muzzle on the free press. This situation calls for immediate remedy."

No remedy is in sight nor will one be for as long as India's legislators refuse to accept the weight of opinion that enjoins them to define their privileges. The irony is that in doing so, they appear to ignore even the Constitution they are sworn to uphold. Journalists, it seems, must reconcile themselves to this legislative peril.

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This is a series of columns on global affairs written by top editors and columnists from members of the Asia News Network and published in newspapers and websites across the region.