

Attack on a voice of reason

Root out radicalism

WE condemn the heinous attack on Professor Dr Muhammed Zafar Iqbal. We are horrified at the audacity of the assailant who stabbed the respected teacher and writer on Saturday. Thankfully, Dr Iqbal is out of danger at the moment, and the assailant is in custody. We hope for a proper investigation of this cowardly attack and that due punishment is meted out to the assailant, and his accomplices, if any.

But the incident brings to the fore yet again several aspects which deserve serious thinking. First, the attack was made on campus, in the presence of law-enforcement personnel. Dr Iqbal is among those in Bangladesh who have received death threats in the past for their outspoken stance on many issues, including militancy. At the time of the attack, he had police protection. Yet, not only did the attacker manage to get up close to Dr Iqbal with a weapon, but also to stab him multiple times. How was this possible? Dr Iqbal was provided police protection precisely to prevent such incidents—the police must take due responsibility and investigate if there was any negligence and where they failed. However the home minister has already denied any police negligence without any inquiry into the incident.

The love and respect for Dr Zafar Iqbal is evident from the collective condemnation of the attack by professors, intellectuals, his students and readers. His role in popularising science education is unmatched. He is known for his stance against intolerance, injustices and the hatred preached by fundamentalist groups. He has been a vocal proponent over the years of the ideals of our Liberation War. But, all this has clearly earned him enemies. The assailant reportedly attacked the professor because he was an "enemy of Islam." Like in the series of attacks on bloggers and writers in the past few years, misinterpretation of religion was used to justify the attack. This intolerance of opinion and tendency to respond to things one does not agree with through violence must be condemned and stopped. Preventive measures such as deradicalisation, promotion of tolerance and acceptance of multiplicity of opinions must be promoted with all our energy. This incident serves as a reminder to the authorities of the immediate need of addressing these issues.

Hats off to our silent heroines

They form the heart of our success

THE Daily Star is delighted to have recognised the contribution of seven truly awe-inspiring women, whose relentless determination earned them The Daily Star-IPDC Unsung Women Nation Builders Award 2018. Despite countless challenges, not only did these seven heroines overwhelmingly succeed in their individual endeavours, but they also did so by way of greatly benefitting others through their various humanitarian activities in the medical, educational and business sectors. We laud their extraordinary vision which will surely inspire many others to follow suit in the years to come and work towards the betterment of our nation.

Through their success, they have, moreover, once again brought to the forefront the incredible contribution of women in our society and their capacity to adapt and overcome all kinds of challenges through ingenuity and creativity. And this is something that everyone should take note of, as despite some progress, we are yet to see society as a whole fully appreciate the contribution of women in all sectors of our economy and, in some cases, be willing even to allow them to participate.

It is particularly because of this that the roles played by these women are so vital, as their achievement clearly shows such beliefs to be completely false and terribly misguided.

While we celebrate their triumph, however, we should also remember that there are countless more women whose tireless works have been the cornerstone of our success but are yet to be recognised. The government and the private sector should support such selfless endeavours of these women and encourage others to do the same.

LETTERS
TO THE EDITOR

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Corruption in rural development projects

Every year, a huge amount of fund is allocated for various development projects in rural areas. However, much of these funds is syphoned off by politically influential locals. At every phase of these projects, a chunk of money vanishes from the budget. If we could use these funds properly, the rural areas could benefit from that enormously.

The government should be strict about this. If competent professionals, instead of politically preferred contractors, are selected through a transparent and inclusive process to implement development projects, Bangladesh's rural development—or any kind of development, for that matter—will be exemplary.

Md Dedarul Islam, By e-mail

CORRIGENDUM

On March 4, 2018, the opinion piece titled "Why the ultimate solution lies within Myanmar" published on Page 7 contained the sentence "...the Rohingya case in Bangladesh is already a Protracted Refugee Situation (PRS) which, according to the UN Commission on Human Rights (UNCHR), refers to those situations in which refugees numbering 25,000 or more..."

In the above mentioned sentence, United Nations High Commissioner for Refugees (UNHCR) was mistakenly referred to as "UN Commission on Human Rights (UNCHR)." We regret the error.

EDITORIAL

OBSERVATION OF INDIAN SC ON DEFAMATION

'In a democracy, you must learn to tolerate'



SHAKHAWAT LITON

THE above quote is a strong and clear manifestation of the Indian Supreme Court's endeavour to protect rights of the media as it recently announced that freedom of speech and expression of the media must be allowed to the fullest and the press may not be hauled up for defamation for "some errors" in its reporting.

What does the phrase "some errors" mean? The apex court on January 8 in a defamation case clarified by saying: "There could be some error or enthusiasm in reporting an alleged scam. But, we must allow freedom of speech and expression to press at the fullest. There may be some wrong reporting. For that they need not be hauled up for defamation," according to *Times of India*.

In response to a petitioner who moved to the court to revive a defamation case against a journalist, the SC bench headed by Chief Justice Dipak Misra made another significant call: "In a democracy, you (petitioner) must learn

Investigative reports are always helpful for the government in ensuring the welfare of the people and fighting graft. A free media is never an enemy of such a government.

to tolerate." The apex court also refused to entertain an appeal against a Patna High Court order quashing a defamation complaint against a journalist and a media house. By rejecting the appeal, the Indian apex court unequivocally made it clear that an alleged incorrect news item about a scam does not amount to defamation.

Earlier, in March 2015 the SC of India delivered a big boost to freedom of expression in social media. It declared Section 66A of the Information Technology Act—similar to Section 57 of our ICT Act—unconstitutional and struck it down. This section had been widely misused by police in various states to arrest innocent persons for



posting critical comments about social and political issues and political leaders on social networking sites.

According to *Times of India*, in the verdict the apex court said such a law hit at the root of liberty and freedom of expression, the two cardinal pillars of democracy. The court said the section has to be erased from the law books as it has gone much beyond the reasonable restrictions put by the constitution on freedom of speech.

Over the years the apex court of India delivered many verdicts and orders to protect freedom of speech, expression and press. But its latest order on the defamation issue should be considered as epoch-making. This may be likened to the US Supreme Court's landmark verdict delivered in the *New York Times Co. v. Sullivan* case around 54 years ago,

which upheld the freedom of the press. In its verdict delivered in 1964, the US apex court, for the first time, introduced the "actual malice" standard. This means the court must find evidence of actual malice before it can hold the press guilty for defamation and libel against a public figure. The plaintiff must prove that the publisher was aware that the statement was false and published it anyway. This places a very high burden of proof on the plaintiff in libel cases.

The background of the case against *New York Times* may be recalled briefly. In 1960, the *New York Times* ran an advertisement about Martin Luther King. It contained inaccuracies about the conduct of the Montgomery, Alabama

police department. The newspaper alleged that the police department took unlawful action against civil rights protesters. Annoyed by the advertisement, the Montgomery Police Commissioner, LB Sullivan, wrote a letter to the *New York Times* demanding they run a retraction of the story. *New York Times* refused to do so. Sullivan filed suit against the newspaper. By introducing the "actual malice" standard, the Supreme Court not only held that the *New York Times* was not guilty of libel, but also opened up many opportunities for news sources to print stories about the civil rights cases in the South.

Now, we may recall the background of the case on which the top court of India on January 8 stepped in to protect the rights of the press. A woman, who

mentioned in the petition that she was the daughter of a senior and reputed bureaucrat and that her mother was a minister in the Bihar government, had challenged a judgment of Patna High Court that quashed cognisance taken by a magistrate of her defamation complaint. In the case she had filed with the magistrate court, she accused reputed journalists of telecasting incorrect news defaming her and family members. The news report, aired in April 2010, had alleged irregular allotment of land in Bihari Industrial Area by Bihar Industrial Area Development Authority to her for establishing a proposed food processing unit. She had alleged that the Hindi TV news channel had made some specific "scandalous and derogatory" comments against her and her parents forcing her to file a defamation complaint, according to the *Times of India*.

When her counsel challenged the HC decision, a bench headed by Chief Justice Dipak Misra verbally observed: "The case has continued since 2011. The persons have spent a lot of time and money in defending themselves. An alleged incorrect news item about a scam does not amount to defamation."

The SC's order rejecting the appeal has been widely lauded by the press and freethinkers. This will not only contribute to improving the state of freedom of expression and the press but also boost confidence of news outlets which are often hesitant to run investigative reports fearing that they will be dragged into a defamation case.

Investigative reports are always helpful for the government in ensuring the welfare of the people and fighting graft. A free media is never an enemy of such a government. We may therefore take lessons from the above examples set by the Supreme Court of India and the US to protect media from the mindless abuse of defamation laws. Such moves will surely have immense impact on fighting graft and upholding human rights, including the right to freedom of speech and expression.

Shakhawat Liton is special correspondent to *The Daily Star*.

An unrealistic quota system

NAZNIN TITHI

WHILE the BCS examinees and students of various public universities and colleges across the country have been demonstrating on the streets demanding reforms in the existing quota system in Bangladesh Civil Service (BCS) examinations, some groups of freedom fighters' children have also been protesting, but clearly, for the opposite reason. They have claimed that these protests and demand for reforms are actually a "conspiracy" against the freedom fighters' quota. These groups are also demanding quota in all government recruitment processes.

Currently, the freedom fighters' children and grandchildren enjoy 30 percent quota in the BCS exams. While 44 percent of recruitment in the BCS is done based on merit, the remaining 56 percent is recruited under various quotas. Needless to say, this system deprives many meritorious students with good educational backgrounds, of their desired jobs in the civil service. The result is inevitable—a less-than-efficient bureaucracy.

In the wake of such a situation, demands have been made by students, educationists as well as former bureaucrats to reform the quota system, including the freedom fighters' quota. When the quota system was first introduced in Bangladesh, it was done to ensure the society's disadvantaged groups' representation in the civil service.

According to clause 1 of Article 29 of our constitution, "there shall be equality of opportunity for all citizens in respect of employment or office in service of the republic." And clause 2 of Article 29 states that "no citizen shall, on grounds only of religion, race, caste, sex or place of birth, be eligible for, or discriminated against in respect of, any employment or office in the service of the republic." Thus this quota system is not only discriminatory but also goes against our constitutional rights.

However, our constitution has given the state the right for "making special provision in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the republic" [Article 29(3)].

While some of the quota provisions seem to be quite logical and need to stay, the others require reassessment. Keeping one percent quota for the physically challenged, introduced in 2012, is surely a good decision. And also, keeping five percent quota for indigenous communities seems to be based on valid grounds. But 10 percent quota for women and another 10 percent for "people of districts lagging behind" should be reviewed and readjusted based on the representation of these groups in the civil service.

However, one of the most discussed issues is the 30 percent quota that has been kept for the freedom fighters' children and grandchildren. We are not opposed to freedom fighters' quota, we are opposed to their misuse. In fact, freedom fighters' quota in BCS and all other government recruitment tests has resulted in many forms of corruption. Because a freedom fighter's certificate would entitle their children to government jobs, important positions in society and many other benefits, a lot of fake freedom fighters have emerged all across the country.

Last year, when the Liberation War Affairs Ministry was making a new list of freedom fighters, one and a half lakh people applied to be included in the list. But sadly, it was found later that most of them were not freedom fighters. At that time, AKM Mozammel Haq, Liberation War Affairs Minister, said that not even five percent of them were freedom fighters (*Prothom Alo*, June 23, 2017).

Allegations of irregularities in the process of listing freedom fighters are nothing new, since every time the government changes, the list also changes. There have also been allegations that members of the committee in charge of making the list, often abuse their power to include names in the list in exchange for money excluding the real freedom fighters.

In 2016, *Prothom Alo* reported that one former commander of freedom fighters (muktijoddha commander) provided fake freedom fighters' certificate to 19 people of his village in exchange for a large sum so

reserved, it is not possible to recruit other competent candidates in these positions. This serious flaw in the system must be removed by recruiting candidates in those posts based on merit.

Most of all, the quota system can't be there forever and should be reviewed from time to time. According to Dr Akbar Ali Khan, a former adviser to a caretaker government, there might be a quota reserved for freedom fighters' children but that should only be applied to those who still get allowance and were given accommodation facilities from the government (*Prothom Alo*, February 18, 2018).

I personally know a number of freedom fighters who never tried to get any certificate. Although they struggled to live with their limited income, they never wanted to get any privilege from the state—not for themselves and not for their children. I believe most of our freedom fighters hold the same principles. That is why they are our role models. We take inspiration from their courage and sacrifice



Students demonstrate in front of the National Museum demanding reforms in the quota system in government jobs, February 25, 2018.

PHOTO: COLLECTED

that they could get jobs in the police force (August 10, 2016).

There have also been instances of government officers posing as freedom fighters. In 2014, five high-ranking government officials' freedom fighters' certificates were revoked because they had obtained the certificates showing fake documents. Three of them were secretaries, one was a joint secretary and the other was chairman of the Privatisation Commission.

Chances are that without a genuine freedom fighters' list, the freedom fighters' quota in BCS and other competitive exams will continue to be misused. But this is just one aspect of the problem.

Another major problem with the freedom fighters' quota in BCS is that many of the reserved posts for freedom fighters' children and grandchildren remain vacant for a long time, and because these positions are

during our Liberation War. And we believe, giving them, their children and grandchildren undue privilege can't be the proper way of showing them respect.

And the government's responsibility does not simply end with providing the freedom fighters with quota facilities, rather, steps need to be taken to improve their overall living standards and to provide their dependents with quality education so they are equipped to compete with regular candidates in the competitive public exams.

The current government has been saying all along that they will give preference to meritorious people in the government service. By reforming the disproportionate quota system as well as overhauling the whole BCS examination process, they can prove that they mean what they say.

Naaznin Tithi is a member of the editorial team at *The Daily Star*.