

ONE YEAR OF QUOTA ABOLITION

'Job or no job, we'll keep fighting for the students'

This Thursday, April 11, marked one year since Prime Minister Sheikh Hasina announced in parliament the abolition of the quota system in public service. Muhammad Rashed Khan, joint convener of Bangladesh Sadharan Chhatra Adhikar Sangrakshan Parishad, which led the quota movement, talks to Badiuzzaman Bay of The Daily Star about the struggle for merit-based recruitment, harassment and abuse endured by the activists, and the changing role of the Parishad.

When you look back, one year after the announcement by the prime minister scrapping the quota system, what is the first thing that comes to your mind? And how do you view the transformations that have taken place since?

We launched the quota movement on February 17. It lasted for nearly eight months, until October 4 when the public administration ministry issued a circular officially scrapping the quota system. In that sense, the movement was the biggest since the pro-democracy movement in 1990. But the history of protests against the quota system in the public service is quite long. During my first year at DU in 2013, I also saw protests by students, which were snuffed out. But the anger and frustration never went away. In a way, all those unsuccessful attempts were instrumental in creating the momentum that prompted students under the banner of Bangladesh Sadharan Chhatra Adhikar Sangrakshan Parishad (Bangladesh General Students' Rights Protection Council) to take to the streets on February 17 with a five-point demand. And then on April 8, students from almost all major universities and colleges in the country came out on the streets. It was a spontaneous gathering. The students were angry. They felt that the quota system was archaic and anti-meritocratic, and therefore needed to be reformed.

What happened during those days is public knowledge. Any newspaper timeline will tell you what we did or what was done to us. Most of it played out in public. However, the prime minister's announcement on April 11 can be seen from different perspectives. Firstly, it scrapped all quotas in one fell swoop. It brought considerable relief to the agitating students, but also caused a bit of confusion as we wanted only "reforms" in the

system—not its abolition. And for the quota activists, the relief was short-lived, as the announcement brought in its wake an unfortunate chain of events including detentions, remands, court cases, assaults, death threats and so on. Like many others, I was also subjected to torture and harassment. My family and I had to constantly worry about the safety of my life. The experience that I went through is, frankly, indescribable. In your view, how successful was the quota movement?

Our demand was for reforming the quota system for classes I, II, III and IV jobs in the public service. But the government scrapped the system altogether—although for class-I and class-II jobs only. Despite that, we welcomed the decision. There is, however, a smidgen of doubt about how effective this decision will be given the age-specific quota which remains in place. All things considered, I will say that the purpose of the quota movement couldn't be achieved in full. It was partially successful.

After all the announcements and decisions, there still seems to be a tendency in some circles to discredit the quota movement. Why is that?

It's unfortunate that such a thing should happen because our movement was built on a simple and unambiguous premise: we wanted "reforms" in the quota system. We were neither against any party nor against any particular form of quota. But some people within the government still talk as if our purpose was exactly that. You may recall that a few days ago, the vice-chancellor of Rajshahi University called the quota activists "Razakar bache" (offspring of Razakars). Such derogatory comments, while very frustrating for the activists, also reflect poorly

on the government itself as it failed to convince its own people of the judiciousness of its abolition decision.

The preliminary test of the 40th Bangladesh Civil Service (BCS) exam will be held on May 3. It will be the first since the abolition of the quota system, which had been in place in one form or another since 1972.



Muhammad Rashed Khan

Yes, for the first time in 47 years, the BCS examination is going to be held solely based on merit. Notwithstanding the reform/abolition conundrum, it's a historic occasion—and a welcome development not just for the young job-seekers but also for the entire nation. An administration peopled by efficient professionals will naturally be better than one where most people are selected based on considerations other than merit. Recruitment on the basis of merit will

improve efficiency at the public sector. Also, the government will be better-equipped to serve the citizens and deal with its many challenges.

Some quota activists fear that they have been marked and their job prospects in BCS and other public recruitment tests might be negatively affected. What do you think?

I remember when I was remanded for interrogation, I was approached by two officials who would abuse and harass me. They would tell me, threateningly: "Do you think you will get the job for which you joined the movement? Who will give you a job? You've ruined your life by joining this movement. See if you can cross the threshold of the viva board." Not just me, the quota activists in general faced many such threats. I remember even a highly respected teacher of a public university also repeated the viva threat, saying the activists should be spit in their faces. The problem is, a number of activists are still grappling with pending court cases. So it's possible that those threats are real, and I know it's a scary thought. But personally, I am not much bothered about that. Job or no job, we will keep fighting for the students and the people.

Part of the enduring popularity of the quota movement was that it grew spontaneously under a non-political platform. Later, some of the leaders of the Parishad transitioned into "mainstream" campus-based student politics (through participating in the DUCSU election). Would you call it an ideological transformation?

The Parishad was formed primarily for the quota purpose but later we dealt with other issues related to the students such as DU question paper leaks. The general students embraced our platform. We have been able to

win their trust through our activities and sacrifices. So naturally, there was a demand for our participation in the DUCSU election.

Regarding your question about whether it marked an ideological transformation for us: no, it did not. For us, our participation in the election was but an extension of our pro-student activism. DUCSU, as per its constitution, is a social and cultural organisation, not a political one. But it has been given a political character and some even call it "the second parliament". But for us, it's a platform to protect and advance the interests of the students which we have been doing all along anyway. There is no reason to link us or our activities to what passes as "student politics" today.

You said the quota movement was partially successful. Does it mean it might be revived to fully achieve its purpose? In other words, will the Parishad cease to function or will it continue?

We cannot definitively say that we have seen the last of the quota movement. The quota system still remains in force for class-III and class-IV jobs. Whether or not there will be protests against that system in the future is up to the students. About the future of our platform, as I have already said, it has moved beyond its foundational purpose. The platform may participate in future DUCSU elections and other such elections for students. Presently, we are in the process of preparing a constitution for the Parishad. It's going to be a difficult task as all of us are students, have regular classes and exams, and lack experience in such matters. But once done, it will set forth guidelines for our future activities. In the foreseeable future, since the DUCSU revivalism attempt didn't work out, we will try to play the role that was expected of DUCSU.

A tale of two women

NAJRUL KHASRU

Ahluwalia killing her abuser. Within months Ahluwalia reappeared before the trial court denying the charge of murder but accepting manslaughter (culpable homicide) on grounds of diminished responsibility due to years of brutality at the hands of her deceased husband. Her plea was accepted by the court and she was sentenced to three and a half years' imprisonment, leading to her release immediately as she had already served that period.

Following her release, Ahluwalia became a tireless campaigner against domestic violence. In 2001 she was honoured with an award given by Cherie Booth, the wife of Tony Blair. Several documentaries were broadcast on British television narrating her story. She wrote her autobiography, and in 2007 a film called "Provoked", loosely based on her story, was released in London starring Aishwarya Rai.

Ahluwalia's husband died a few days later. She was charged with his murder. Her legal team unsuccessfully raised the defence of provocation. Following a trial, Ahluwalia was convicted of murder and sentenced to life imprisonment. This is not the end of Ahluwalia's story.

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hluwalia had been subjected to appalling domestic violence from the outset of her 10-year marriage. Her husband would beat her up on a regular basis, necessitating two restraining orders from the court. He broke her fingers, and had beaten her unconsciousness on many occasions. He also had sexual relationships with other women and taunted her about his extramarital conquests. Despite court orders, he continued with his violence and abuse. And in May 1989, she flipped.

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s her story unfolded, it was widely felt that the criminal justice system had not treated Ahluwalia fairly. However, it was also acknowledged that the traditional common law definitions of self-defence or provocation precluded such defence to be used in a case such as that of Ahluwalia. The fear was that thousands of women throughout the common law world, who had experienced years of abuse and violence and eventually killed their abusers, were sentenced to death or life imprisonment each year without due regard to their state of mind caused by relentless abuse. A consensus emerged that this could not be regarded as justice.

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hluwalia started her life sentence, her case was taken up by Southall Black Sisters, a women's rights organisation. Its campaign and efforts resulted in the case going before the Court of Appeal. In a landmark decision in 1992, Lord Chief Justice Taylor declared that Ahluwalia's conviction for murder was unsafe and unsatisfactory. He ordered a retrial, directing the trial court to take into consideration the history of domestic abuse and the psychological impact shown by the medical evidence, which culminated in

changed the law allowing victims of domestic abuse to argue self-defence when charged with murder. In other parts of Australia, battered woman syndrome is accepted by courts as capable of amounting to provocation in murder charges. The Supreme Court of Canada has set a precedent in the case of Lavelle, for the use of the battered woman defence. Since 1998 (following the case of R v Fate) the New Zealand courts have accepted in several cases the evidence of domestic violence as provocation, reducing murder charges to manslaughter and sentencing such offenders between two and five years' imprisonment.

Since 1993 the battered woman's defence has been used in numerous cases in the UK, including historical cases in order to correct miscarriages of justice. In February this year, the Court of Appeal overturned the murder conviction in the case of Sally Challen after new psychiatric

There are uncanny resemblances between the Ahluwalia case and the Jibonnahar case. Will Jibonnahar get justice? As things stand, the odds are stacked against her. But this may change if a women's rights organisation takes on her case and puts forward a fair defence. forward a fair defence.

throughout her marriage. On the day in question, he demanded money from her. Her refusal resulted in him getting angry and hitting her with a brick. Later that night, as he slept, she used the same brick to hit him several times and then strangled him to death. The next day she went to work. After returning home in the evening, she cut his body into pieces and put them in sacks. She then carried the sacks out and left them in different locations nearby, where they could be easily found.

Jibonnahar made no attempt to escape justice. Following her arrest, she was paraded before the press barefooted. Her video interview with police was placed in the public domain. The local police superintendent wasted no time in holding a press conference announcing Jibonnahar's "confession to murder". The media showed no mercy as it covered the news. No one made a connection between her state of mind due to years of abuse (which she alluded to in her police interview) and the incident.

There are uncanny resemblances between the Ahluwalia case and the Jibonnahar case. Will Jibonnahar get justice? As things stand, the odds are stacked against her. But this may change if a women's rights organisation takes on her case and puts forward a fair defence, just as the Southall Black Sisters did for Ahluwalia in 1992.

Will Jibonnahar be the Ahluwalia of Bangladesh, bringing to the forefront the plight of domestic violence victims in the country? Or will she be regarded as a disgrace, who brought shame and dishonour to womankind? Which way will the scale of justice tilt? It remains to be seen.

Kiranjit Ahluwalia (second left) celebrates after appealing against her conviction for murder. The court accepted her plea for manslaughter.

PHOTO: REBECCA NADEN

Ahluwalia's case led to leading psychiatrists in the UK and US establishing the diagnosis of battered woman's syndrome. This mental disorder is developed by a woman after years of brutal domestic abuse which may include physical torture, sexual violence and psychological abuse.

Since 1993, Ahluwalia's case has been recognised throughout the common law world as the authority for redefining the legal concepts of self-defence, provocation and diminished responsibility when a sufferer of battered woman's syndrome kills her abuser.

In the US the evidence of severe domestic abuse is accepted by courts as self-defence or provocation in relation to charges of first or second degree murders. In Australia, the state of Victoria has

evidence of "coercive control" emerged, a term the British courts use in relation to abused women. On April 5, 2019, a trial court, having found Packiam Ramanathan not guilty of murdering her abusive husband, imposed a sentence of two years' imprisonment for manslaughter.

Almost 30 years after Ahluwalia killed her abusive husband, and three decades of courts in common law countries routinely accepting battered woman's defence, Jibonnahar, a Bangladeshi woman, took the life of her abusive husband in January 2019. This is her story so far, as she narrated it to the police and was published in the newspapers.

Jibonnahar, a garment worker, had been married for five years. She suffered domestic violence at the hands of her husband

CROSSWORD BY THOMAS JOSEPH

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