

TIB corruption list

Time to act on the findings

A survey conducted by the Bangladesh chapter of the Transparency International has stated the obvious but with a renewed force: police and tax officials have jointly emerged at the top of the corruption list prepared on the basis of selected newspaper reports. After all, they are the ones on the frontline of public dealings, and to that extent, are perhaps most susceptible to wrong-doing.

The picture of corruption given by the TIB is cause for concern as it has a crippling effect on our collective existence.

The decision-makers should take note of the observation that the government functionaries are abusing discretionary powers that have been given to them for discharging their duties quickly and efficiently. The corrupt officials are actually using these powers for extorting money. It seems a parallel system of extortionism is operating in the government offices alongside the extortionism that professional criminals are thriving on in the private sector.

The upshot of it all is far too obvious. First, the image of the country before the international community has been badly bruised. Foreign entrepreneurs complain of the high cost of doing business as do our own. It hardly needs saying that it will adversely affect the investment potential. Second, governance suffers when functionaries compete with each other, unknowingly though, for topping the corruption list. Third, the quality of the public service delivery falls when corruption overshadows things like strict adherence to rules and regulations. Fourth, the value system is bound to be destroyed when corruption becomes the order of the day.

There is no doubt that unbridled corruption can cause incalculable damage to society. And the question of knocking down the monster of corruption arises for obvious reasons at this point of time. However, it is so well entrenched that the task of lessening its evil influence could be very difficult. There is a chain of corruption in government offices and in most cases it is a participatory and collusive process which cannot be neutralised by merely issuing official directives. What is needed here is a strong political will and determination to wipe out the menace. Of course, there must be a clear consensus among the political parties in this respect.

Then some institutional reforms are needed to bolster the defence against corruption. An independent anti-corruption commission and an ombudsman's office, we believe, should go a long way to containing the evil.

This is a specific case of complaints

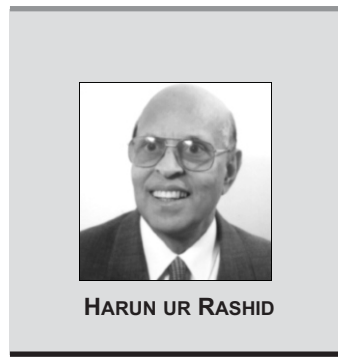
Let's redress these

THE rally staged by indigenous people at Dinajpur on Monday brought to the fore some specific grievances they have concerning land-use rights. Around 3000 members of Santal, Orao, Mahali, Malo, Rajbangshi, Turi, Munda and Vuinmuli communities voiced their protests against 'denial' of benefits they were promised earlier on. They complained of being deprived of their rightful share of accruals from a social forestry project undertaken by the forest authorities in 6,792 acres of land acquired from them in six upazilas of Dinajpur. The indigenous people were given to understand -- one wonders whether it was documented that they would get 60 per cent of the profit while the department got 40 per cent after the trees planted in early 1990s were sold. But the forest department is said to have reneged on the understanding claiming that there was no such deal!

The indigenous people not only owned the land, they also nurtured the trees and looked after them for the last two decades. If they don't have the rights to the profits, then who does? To top it off, cases have been initiated against some members of the ethnic tribes by the forest department. Some principles are involved here: first, the land-use right of ethnic communities stands flouted. Secondly, a promise given to the indigenous people has apparently been reneged on. Thirdly, the aims and objects of a social forestry project seem to have been defeated.

We want an early investigation into the matter not only to assuage the feelings of the tribal people that their allegations have been taken seriously but also to redress their grievances with utmost priority. We cannot allow our image to be tarnished by any raw deal given to our indigenous people by any quarters. All their anxieties must be allayed so that they feel cared for.

Sovereignty of South Talpatty island



HARUN UR RASHID

In recent days, it is reported that the Parliamentary Standing Committee on Defence asked the Bangladesh Navy to ensure Bangladesh's sovereignty over South Talpatty Island. The Chairman of the Committee said that the island was an integral part of Bangladesh.

The ownership of the island has been in dispute between Bangladesh and India since it emerged in the estuary of the border river, Hariabhanga, after the devastating cyclone that swept through Bangladesh in November, 1970. The island is located about 4km, south of the Hariabhanga river that divides Bangladesh and India on the west. The approximate geographical location is reported to be at Latitude 21 degrees 36.0 North and Longitude 89 degrees 09.10 East. It is believed to be of U-shaped formation with the eastern arm elongated towards the north and had an approximate area at low tide of about 2 square miles in 1978 which may have further grown since then.

Both countries claim the island as forming part of their territories. India calls it "New Moore Island or Purbasha" whereas the name "South Talpatty Island" in Bangladesh is derived because of its proximity to Talpatty land area of the Sunderbans of Bangladesh. It had been an uninhabited island, though fishermen from the Bangladesh

mainland were often sighted only seasonally during the dry season in the late 70s.

When Bangladesh became an independent nation in 1971, the government was engaged in the challenging task of reconstruction and rehabilitation of the war-ravaged country. In no time during this period, India drew Bangladesh's specific attention to the island. Bangladesh was reportedly told of the ramifications of the presence of this island in 1974 on demarcation

main channel of the Hariabhanga river turned a little right near the mouth of the river and entered the Bay of Bengal keeping South Talpatty to its left. In other words the Hariabhanga river flows to the west of South Talpatty island. This was also clear from the flow of the suspended sediments entering the Bay of Bengal. India disputed Bangladesh's position as it claimed that the flows of the border river lay to the east of the island, not west as claimed by Bangladesh.

the main flow of the border river around the island. The commitment was reportedly confirmed by the Indian Prime Minister when the Deputy Prime Minister of Bangladesh called on him in New Delhi in the second week of May 1979.

Furthermore, in August 1980, during the visit of India's Foreign Minister to Dhaka, a Joint Press Statement was issued on August 18, 1980 and paragraph 9 of the statement read as follows:

"The question of the newly

BOTTOM LINE

The presence of BSF on the island amounts not only to serious breach of the solemn agreements concluded at the highest political level but also tantamounts to serious provocation... In accordance with international law and agreements between the two sides, the sovereignty of the island needs to be settled between the two nations. Bangladesh considers that India honours its commitment in the spirit in which they were made and in the interest of good neighbourly relations,

of sea boundary in the Bay of Bengal when Indian delegation came to Dhaka.

Prior to the discussion of the sea boundary (maritime boundary) in the Bay of Bengal, it was realised that first the question of the border of the Hariabhanga river had to be determined. Ordinarily, in the case of navigable river, under international law, the boundary line runs through the middle of the deepest navigable channel (Thalweg principle) unless agreed otherwise between the parties.

During the discussions, Bangladesh claimed sovereignty over the South Talpatty Island on the grounds that (a) the flows of the border river were to the west of the island and a satellite photograph confirmed the western orientation of the flow and (b) the island was a natural prolongation of the Bangladesh territory. The imagery of satellite photographs showed that the

The nub of the dispute over the sovereignty of the island rests as to whether the main flow of the border river Hariabhanga lies to the west or east of the island.

It is pertinent to note that two flows -- one from the border river and the other from Bangladesh inland river, Raimangal -- fall on the estuary. Bangladesh argued that India confused the flow of the Raimangal river with that of the border river, Hariabhanga. There were many discussions at the official level over the years to resolve the dispute but they remained inconclusive.

When in April 1979 the Indian Prime Minister Morarji Desai visited Bangladesh, the President of Bangladesh Ziaur Rahman took up the matter with him. In the interest of good neighbourly relations, to resolve the dispute, Bangladesh proposed a survey by Joint Indo-Bangladesh team to locate exactly

emerged island(s) (New Moore/South Talpatty/Purbasha) at the estuary of the border river Hariabhanga was also discussed. The two sides agreed that after study of the additional information exchanged between the two governments, further discussion would take place with a view to settling it peacefully at an early date."

Exchange of information envisaged in the above joint statement was intended to include the result of the joint survey to ascertain the physical location of the main flow of the border river Hariabhanga.

While bilateral discussions were pending to resolve the dispute, on May 9, 1981, India sent an armed ship "INS Sandhayak" with one helicopter and some military personnel to the island. Some huts, tents, one aerial mast and one pole bearing the Indian flag were seen erected there. Bangladesh was taken by surprise at India's aggres-

sive mood to claim the island. Bangladesh on 11 May 1981 lodged a strong protest against such unwarranted, unilateral and illegal action of India that was in breach of the agreements reached at the highest political level.

Bangladesh, on 16 May 1981, urged India to withdraw the Indian navy ship from Bangladesh waters and to remove men and materials including the flag from the disputed island. India in reply reportedly stated that the intention of sending

the ship was to collect additional hydrological information on the island but Bangladesh was not impressed with that reason because it was expected for a neighbour to inform Bangladesh of its intention prior to dispatching an armed ship to the island. Later India agreed to withdraw its ship and men and materials from the disputed island so that it would remain "no man's land" until it was settled peacefully.

It is a matter of great concern to note from a report in the Bangladesh media (DS 22/9/03) that Indian Border Security Force (BSF) established a base on the island which was regularly visited by Indian naval gunships. If the report is true, India seems to have followed "might is right" doctrine to claim sovereignty on the island, ignoring the legitimate claim of Bangladesh. The presence of BSF on the island amounts not only to serious breach of the solemn agreements concluded at the high-

est political level but also tantamounts to serious provocation to Bangladesh.

In accordance with international law and agreements between the two sides, the sovereignty of the island needs to be settled between the two nations. Bangladesh considers that India honours its commitment in the spirit in which they were made and in the interest of good neighbourly relations, it is argued that the reported base of BSF on the island should be removed.

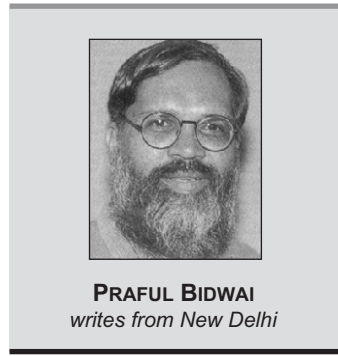
India is 22 times larger than Bangladesh. India has over 1.2 million armed personnel while Bangladesh armed forces consists of only 137,000. That does not mean that a militarily weak country likes to be pushed around. India's conduct toward Bangladesh should not be intimidating but be based on the principles of "Gujral" doctrine of trust and confidence. India's dominance and its political appetite for projecting its power in South Asia should not be at the expense of the goodwill of the neighbours.

Furthermore, India wishes to become a permanent member of the UN Security Council and should adhere to the principles of the UN Charter in settling "international disputes by peaceful means in such a manner that international peace and security and justice are not endangered" (Article 2.3 of the UN Charter). Bangladesh does not want more than India's scrupulous adherence to UN principles in its relations with it. The question is when and how will India acknowledge and implement the principles in resolving peacefully the sovereignty of the South Talpatty island?

Barrister Harun ur Rashid is a former Bangladesh Ambassador to the UN, Geneva.

Verdict from Rae Bareli

Compounding communal injustice



PROF. PRAFUL BIDWAI
writes from New Delhi

It is a measure of the crisis of India's justice delivery system that it has failed to charge, leave alone punish, the demolishers of the Babri mosque for 11 years.

The very recording of offences started on a wrong footing. Then, the important charge of conspiracy was wrongly dropped. And now, magistrate V. K. Singh's "special court" in small-town Rae Bareli has made a mockery of justice by framing limited charges against seven persons, but altogether discharging Deputy Prime Minister L.K. Advani.

Mr Advani spearheaded, planned and inspired the anti-Babri mosque agitation.

Full one week after the verdict, Mr Singh's order isn't publicly available. It's not clear what charges will be framed against the seven accused. But they certainly won't include conspiracy, nor offences under Section 295 of the IPC (defiling places of worship and outraging religious feelings).

Mr Advani -- who conducted the Somnath-to-Ayodhya *rath yatra*, and shaped the events leading to December 6 -- himself can't comprehend why he was discharged!

Apparently, magistrate Singh went by the fact that the CBI cited two conflicting testimonies regarding Mr Advani's conduct on December 6. Mr Singh cited the Supreme Court's ruling in a 1979 case: if the scales of evidence against an accused are "even", he can be

acquitted. But this makes sense only at a trial's end, not before it.

The whole Ayodhya litigation was deviously manipulated by the CBI. The CBI is not independent, but reports directly to Mr. Vajpayee. It suppressed and distorted evidence. It was represented by lawyer S.S. Gandhi, known to be close to Law Minister Jaitley. It was to be rewarding to trace Mr Gandhi's actions in the crucial weeks before Mr Singh's verdict.

The CBI's version of Mr Advani's innocence contrasts sharply with independent accounts. Perhaps the most authoritative of these is the two-volume report of *The Citizens' Tribunal on Ayodhya*, comprising

Justices O. Chinappa Reddy, D.A. Desai and D.S. Tewatia.

This shows Mr Advani was pivotal to the build-up to December 6, including numerous *kar sevaks*, his own *rath yatra* and various strategy meetings. The intention to raze the mosque was stressed during these, especially the *rath yatra*. The *yatra*'s slogans were provocative: "there are only two places for Muslims -- Pakistan or *kabristan* (graveyard)".

Mr Advani and Dharmendra (VHP) and Moreswar Save (Shiv Sena).

A rehearsal of the demolition took place the same day.

On December 6, Messrs Advani and Joshi arrived at the site at 10:30 a.m. Mr Advani delivered an inflammatory speech. The *kar sevaks* breached the security cordon. At 11:30 a.m., Ms Uma Bharati spewed venom, using slogans like "*Katue*

kar sevaks. The demolition, we are told, was an act of some mysterious and unknowable force -- not a *human agency* including BJP-VHP-RSS-Shiv-Sena leaders. Advani & Co. revelled in the mosque's destruction and hugged one another. (Ms Uma Bharati even rode on Mr Joshi's back in joy.)

The BJP rode to political power on the anti-Babri movement. The least its leaders can do is face trial, and declare either that they stand by

order go against Mr Advani, he too will have to resign. The *parivar*'s position is that no minister need resign when charged with "political" offences. But the mosque's demolition was a *far greater* offence against the Indian public and Constitution than corruption.

Various *sangh* agencies are alternately berating and flattering Mr Joshi. Mr Advani has invited the VHP's disdian. Mr Vajpayee has shrewdly played his own game. He has repeatedly said Mr Joshi needn't have resigned. But not once during his trip abroad did he reject the resignation, as he instantly did in Mr Nitish Kumar's case.

None of this has enhanced the moral stature of BJP leaders. This is the right moment to expose their duplicity, and put them on the mat legally. The secular parties must appeal against the Rae Bareli order. (Strangely, Mr Mulayam Singh Yadav has decided against this -- on the ground that "I am a firm believer in the judiciary ... the court verdict ... should be acceptable to all..." This raises uncomfortable questions.)

It's imperative to bring the Babri culprits to book. At stake is the citizen's faith in justice in this society. If this is destroyed, we will have nothing but chaos, hatred, revenge and violence.

Praful Bidwai is an eminent Indian columnist.

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The *Citizens' Tribunal* produced irrefutable evidence that the mobilisation for December 6 was launched by the BJP-VHP-Bajrang Dal on November 29. By December 3, 150,000 *kar sevaks* had gathered in Ayodhya.

On December 5, Mr Advani addressed a meeting in Lucknow and was to reach Ayodhya/Faizabad the next day. But he altered his plans to reach Faizabad to join an *all-important closed-door meeting* at Mr Vinay Katiyar's house, where detailed demolition plans were finalised.

Among those present were Messrs H.V. Seshadri and K.S. Sudarshan (RSS), Ashok Singhal,

kate jayenge Ram-Ram chillayenge."

At 11:45 a.m., Mr Advani announced: "We don't need bulldozers to raze the mosque" -- read, do it manually. The assault began. Mr Advani ensured completion of the destruction "by preventing Central forces from entering Ayodhya".

The day's events were recorded by numerous journalists, Indian and foreign TV channels, and by the Intelligence Bureau, over nine hours. (Curiously, the CBI told the court that the official tapes contained no speeches!)

The *sangh parivar* falsely claims Mr Advani did his best to restrain the

their role, or that they regret it.

However, cowardice is a strong *sangh* characteristic. This was demonstrated during the Emergency, when RSS chief Deoras apologised to Indira Gandhi. When the RSS was banned after Gandhiji's assassination, many members denied any association with it!

The Rae Bareli order has widened rifts in the *parivar*, including the Joshi-Advani rivalry. The Advani group tried to "fix" Mr Joshi. He was kept away from strategy meetings. He has tried to outwit Mr Advani by presenting himself as more courageous and more loyal to Ram.

Should a legal appeal against the

Electronic media and tomorrow's Bangladesh

SHYKH SERAJ

SINCE its invention in early 20th Century, electronic media has been playing a vital role, particularly in the Western countries, in leading the respective nations towards new heights of development through a competitive edge. With its effective and target oriented operations, they are spreading their markets, selling their culture and even indoctrinating their political ideology in other parts of the world.

Operations of electronic media have also made its impact on South Asia region. Take for instances, the one hundred or more satellite TV channels now being operated from our next door neighbour, India. As a result, their economy, culture and society are being strengthened with an across the globe response.

Mass media in almost all the countries of the world have been allowed to operate with a view to supporting national development as a whole, in accordance with the aspirations of the peoples of respective nations. But in Bangladesh, the role of the prime national media i.e. Bangladesh Television has always been questionable.

Electronic media in this country has for long been regulated by State restrictions. In most cases, media

was not allowed to operate freely due to political interference. Naturally, it couldn't reach the right information to the people. Well, it's true that mass media in every country is subject to some restrictions, the degree of which varies from one country to another. But in most developed countries, it is observed that government and media maintain a kind of cooperation among themselves placing the national interest above everything. It is seen in many countries that all the stakeholders are untied on question of public interest irrespective of their coterie interests. In those countries, media receives cooperation from and serves both government and opposition parties on national issues.

Sadly though, this culture has not been practiced in Bangladesh. Apart from political reasons, economic underdevelopment has also played a role in this case. The problem has been compounded in the absence of a long-term visionary plan concerning electronic media. Although the state-owned Bangladesh Television has reached the grassroots level of the country, one could question as to what extent it has fulfilled the hopes and aspirations of the people as a national media. Majority of the people would opine that most programmes telecast by BTV have little to do with the

long-term development of the country. To me, two things seem responsible for this: first, lack of proper planning behind of the programmes; and, secondly, absence of accountability to the people which means that there is no assessment of whether the very

message that this national media intends to disseminate to the people has ever been accepted by the viewers. Since larger section of the people belong to the rural society and are accustomed with traditional culture, TV promotions and campaigns must be fully compliant with rural tradition, culture and socio-economic structure.

Now that over 80 per cent of the people of this country are living in villages with agriculture as their main source of livelihood, any plan or programme from national media meant for socio-economic development has to be in conformity with agrarian culture, lifestyle, economy, social norms and traditions. From this point of view, the greater commitment of our electronic media

should be the development of rural people as a whole and NOT to vie for mere profit-making through propagating silly urban entertainment or protecting vested interests of certain coteries.

Age-old poverty is responsible for low standard of life in rural

areas. A peasant, who lives from hand to mouth, has little to bother about his standard of life. The primary concern for millions of people peasants is to sustain their life through income generation from agriculture. Now, if we question, why the traditional agriculture can't rid our peasants (who constitute 80 per cent of our total population) of poverty we find that it is much due to lack of diversification of crops. Since farmers lack proper education, training and technology of growing more crops with less money, they can't use their paddy field say, to cultivate fish during non-harvesting periods. How, is it possible for a farmer who does not have the very information? This is the very focal point where

electronic media has the most important role to play. If our electronic media undertook the responsibility to disseminate correct informative programmes to the vast majority of the people, then life, culture and economy of the masses would have obviously advanced a

step ahead. Electronic media could of course broadcast programmes on eradication of poverty towards strengthening rural economy and infrastructure. However, in this area, the government has to come forward with its helping hand. This is an area of ample work and that can not be accomplished with sole effort of the media. While electronic media will disseminate the message of scientific agriculture, the Government will have to ensure supply of better seeds, improved technology of growing more crops with less money, they can't use their paddy field say, to cultivate fish during non-harvesting periods. How, is it possible for a farmer who does not have the very information? This is the very focal point where

reduce rural poverty.

Now if electronic media can not come up to this with full sense, it cannot be termed a pro-people.

From global experience, we observe that television channels in most of the democratic countries are operated with wide-scale back-

ground planning and research. India is the biggest example in front of us. Indian TV channels are helping their people progressing in a massive scale. They have made it through pre-operational research on the people counting their opinion. Above all, they give national development top priority. Indian media is fulfilling its obligation by creating a huge, well-organised and strong international market for Indian goods and commodities. For instance, Sachin Tendulkar is a known face to a boy of a remote village in Bangladesh -- much due to the operations of India's TV channels.

But such planned broadcast operation based on people's demand and opinion focusing on

national issues has never been evolved or practiced in Bangladesh. This is a major deterrence to our national development. We have no system or initiative of assessing people's demand on programmes in the electronic media. If our TV programmes were based on public demand judiciously placing same on top priority, then these would have obviously been pro-people and effectively helpful to national development. Our agriculture and health sectors are the two most important areas. But most TV programmes are devoid of supportive projection for healthcare or agricultural development. The state owned Bangladesh Television airs a few programmes on these two issues, but they are not well planned and properly designed.

Finally, I would like to add a few words about my personal experience in electronic media. As I had been involved in hosting a programme on agricultural extension for a long time, I know how powerful electronic media is. If directed to positive actions, it can change people's life. Since we all dream of a prosperous Bangladesh, we all should think of an overall reform of our prime state-owned electronic media, Bangladesh Television. We have to do it for protecting people's interest and protect them from being engulfed by

the alien media flows. BTV has to evolve as a transparent and accountable mass media.

Last but not the least, one may raise a question as to why the very institution that I work for now (which happens to be as privately owned satellite television channel), cannot fulfil the obligations that I have just mentioned. Why can't we present more programmes based people's demand and aspirations? The answer is simple: ours is a satellite channel and the outreach (number of viewers) is much more limited and urban based compared to that of terrestrial BTV. The hands of the latter are spread across the grass-roots level of this country. Almost 80 per cent of the population can watch its programmes. We have to think of making it a truly national mass media, a people's media. Besides, all other electronic media should be allowed the access to operate across the country. This will ultimately help us achieve our national goal of making Bangladesh a poverty free country, a developed society.

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