

EC image touches new low

Fast losing public confidence

AFTER five months of an inexplicable dilatory tactical show, the Chief Election Commissioner has held a meeting of the commission resting on the crutch of two newly appointed commissioners to have the balance of decision making tip in his favour. It should leave no one in doubt that he is determined to have his way, no matter if it has curtailed the lead-time for preparation of electoral roll by a few months and instilled a sense of disbelief in the public mind about the ability of a divided commission to deliver the goods. One only hopes that he is solely guided by only one agenda which is that of ensuring the conduct of an impartial and credible national election and not interested in ego play that lends itself to all kinds of negative interpretation.

The way the CEC has acquitted of himself so far, we are constrained to say, revealed his bias in the perception of things which got reflected through his actions. This doesn't behoove his high constitutional position and casts a serious doubt on his overall leadership ability. One wonders why he must seem to be indifferent and insensitive to the need for maintaining certain standards of credibility for himself and, more importantly, for the election commission that he heads.

One of the new commissioners, SM Zakaria, has faulted the media for harming the image of the EC by putting the commissioners against each other. Has he enhanced the image of the EC by openly grilling his colleagues M Munsef Ali and A K Mohammad Ali, the two old election commissioners? He has even reportedly used such offensive language as they being 'illiterate', tarnishing election commission image by talking 'nonsense'.

Another newly inducted election commissioner Justice Mahfuzur Rahman while referring to the High Court directions argued 'since the judgement is not lawful (because no ruling was issued) the question of compliance does not arise.' Since both sides were present at the writ hearing and presented their cases the question of issuing a rule didn't arise as the defendant was not an absentee party. But that doesn't dilute the merit of the observations that the judges made and the importance of adhering to the directions of the HC which primarily required that a voter list be revised drawing upon the previous one and that the EC worked as a commission through majority decision rather than by any unilateral dictat.

The remarks that the new commissioners made against their colleagues after oath-taking have undermined the EC and also the highest judiciary of the country. People would like to see an end to such bickering in the EC so as to feel that the next general election is in safe hands.

Appointments in key govt establishments

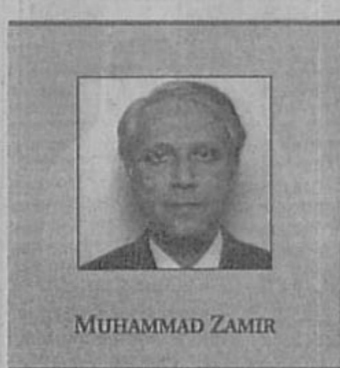
Transparency in recruitment must be ensured

IT is the job of the Administration to appoint appropriate personnel to key positions in all government establishments including autonomous bodies. The individual or individuals selected should at all times be above reproach and must have high professional capabilities and track record of services commensurate with the requirements of the position. It is therefore the responsibility of the government to ensure that any such recruitment is carried out in the most transparent way. It is twice more important when a position of the level of Chairman of PDB is concerned. It is not our purpose here to go into the performance record of PDB but certainly this is one of our largest key public service organisations whose problems and record of performances are but too well known and hence our concern. How can we not raise the question of two promotions in one day.

In general it is public knowledge that the system of giving appointment on contractual basis to retired senior civil servants to important governmental positions over the years whether by this government or by previous ones, in most cases has been either without adherence to laid down procedures or bending them so drastically which ultimately proved to be not only controversial but also counterproductive.

We strongly feel that time has come for the Administration to seriously review and reconsider the entire issue of contractual appointments of retired civil servants to cheek recurrence of such miscarriage of justice and fair play in our civil services. Such recruitments also serve as deterrent to the over all work spirit and commitment amongst the entire community of civil servants. Recruitments of the kind also break the chain in the career development of those already in service.

Our development partners and the challenges ahead



MUHAMMAD ZAMIR

SINCE its inception in 1971, Bangladesh has had to rely, to a very large extent, on donor support. Initially, it involved reconstruction of the war-ravaged economy and subsequently rehabilitation of millions of refugees. Later, such support expanded to include infrastructure, transport and utilities. Health and education eventually joined this list. Assistance came in the form of low-interest capital loans and also grants. As an LDC, Bangladesh was supported institutionally. On several occasions, loans were also either written off or transformed into grants.

Since the last few years, this open-ended strategy has changed in character and acquired a more accountable mechanism. This in turn has led to charges of interference in our internal affairs. Nevertheless, this transformation has not affected the principle of several countries and institutions continuing to participate as development partners in our economic evolution.

Today, the response-strategy for development partners of Bangladesh relates mostly to their commitment to a global partnership for development and in working towards achieving the Millennium Development Goals (MDGs). In other words, it is focussed on the strategy that seeks to reduce poverty through rapid economic growth and greater inclusion and empowerment of the

poor. In this context, they give special attention to the PRSP (Poverty Reduction Strategy Paper) document prepared by the Government of Bangladesh (GOB) with regard to various aspects of poverty reduction and economic development. This includes the promotion of trade and investment, human development, especially of the poor, the provision of effective safety net measures and care for the environment.

The donors (both country-based

term changes and the increasing risk of extreme weather events. Such assessments, they feel, will enable them to include pro-poor environmental issues in their programmes; and (c) in the creation of an effective food security programme.

In the contemporary world, donors consider improved governance as being central to the delivery of pro-poor growth and the efficiency of donor aid. They are consequently giving special

environment, with a view to facilitating the growth of export-oriented trade and FDI.

In addition, the donor community has shown keen interest to assist in another significant aspect of the PRSP - criminal justice, local governance, and corruption. In this area, the EU and others are trying to pool funding arrangements for addressing corruption through agreed benchmarks. This approach is still experimental in nature but definitely interesting. They are also

facilitated the process by providing duty-free and quota-free access to Bangladeshi products. They have also as trade related technical assistance given Bangladesh financial support of Euro 63 million. This has been done in particular not only to facilitate trade diversification but also to assist in overcoming the negative impact of the phasing out of the quota regime under the agreement on textiles and clothing. They are doing so because they realise the impor-

particular, they want to improve standards of literacy that are required for successful skills development at the post-primary level. They hope that this will enhance synergies and mutual benefits for overall human development. They also know that this format has several spillover effects leading to improved health, hygiene and reproductive knowledge and behaviour.

As will be clear from the above, the intended area of cooperation is complex and demanding. It assumes greater difficulty, given the various challenges to our developmental efforts, enumerated thus: competing areas of international interest; donor fatigue in traditional support areas; inability to complete the process of accountable expenditure; lack of political steadfastness and political interference; over bureaucratisation in project implementation; bottlenecks of regulatory nature significantly affecting qualitative improvement; lack of harmonisation and coordination; deterioration in the quality of public institutions; corruption and lack of transparency in decision making; lack of preparedness at the community level; inability to provide at times promised local matching funds for approved projects; absence of proper governance and effective implementation; inability to achieve thematic and geographical complementarities which in turn leads to duplication; and lack of coherence in programming associated with poor local governance and administration.

Nevertheless, I believe that these tests have to be faced and overcome by the policy planners in Bangladesh. Unless this is done, effective participation by the development partners in the future will be that much less meaningful.

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POST BREAKFAST

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as well multilateral organisations), as development partners, are also working out how they can support Bangladesh and, at the same time, address the issues of governance that are essential for further growth and sustainable economic development, specially in administrative capacity building in the sectors of education and health.

The donors are currently focusing on: (a) GOB's commitment to ensuring participation, social inclusion and empowerment of ethnic minorities and in addressing the needs of the disabled and other marginalised groups; (b) discrimination against women as an intrinsic component of poverty; (c) integration of gender issues into all donor-supported programmes, including elimination of gender disparity in socio-economic development, political, human and judicial rights; (d) the risk being faced by Bangladesh in general from climate change and that by the vulnerable poor in particular. They are, in this regard, also looking at the probable effects of long

emphasis on the needs of the poor in the following key areas: better service delivery, particularly in education and health; accountability, reduction of leakages; access to justice; regulatory support, particularly to the informal sectors of the economy and reduction of the threat of income erosion. To this has been added the basic requirements of increasing the State's efficiency in supporting growth and increased democratisation of the discourse and practice of power.

The donors are also now taking a holistic approach in the gender sector and associated income generation. Earlier, donors had supported small programmes in this sector, resulting in dispersed actions rather than broader programmes with systemic impact. Now they are taking a more systematic approach and ground-level all their programming to the increase of effectiveness of institutions. They are also emphasising not only on reducing leakages but also on improving the regulatory

making an effort to develop their support for decentralisation and local governance with specific linkage to pro-poor programmes related to environment, sanitation, availability of clean drinking water and food security.

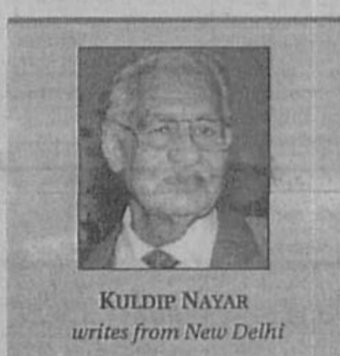
The donor community and the GOB, both realise that trade is better than aid. This view has been facilitated by the positive effects of rapid industrialisation in India, China, Korea and South-East Asia. Consequently, industry and private-sector led growth for exports have become the dominant strategy to create more employment opportunities. Trans-national corporations from North America and Western Europe are also being encouraged to enter the market and give a big push with their capital, technology and management inflows. As a result of this development, the donor community is carefully ascertaining the areas, where broad-based association can be of the greatest benefit. Particularly the EU, the largest trading partner of Bangladesh, has

tance of this sector with regard to employment and gender activity. While doing so, the EU is also stressing on the need for Bangladesh to further develop core labour standards and environment values.

Other donors are also actively engaged in several programmes related to: addressing the regulatory environment and removing indirect and direct trade tariff barriers; increasing the competitiveness of the business sector, particularly SMEs; facilitating export diversification and export growth; and increasing the productivity of the workforce through skill development and improved working conditions.

The donors are also involved in human development in Bangladesh. Aware of the importance of competition in industrial success, the donors are also focusing on a shift in their education support to skills development and employability at the post-primary level as a coherent linkage to trade technical support activities. In

Courting trouble



KULDIP NAYYAR
writes from New Delhi

IT is ironic that the biggest challenge to the Indian constitution has come in January, the month in which the country introduced it as back as 1950 to become a republic. Unfortunately, the challenge is developing into some sort of a confrontation between the legislature (Parliament) and the judiciary (the Supreme Court). Both are creatures of the constitution which has delineated their respective territory. Yet, both look like transcending the limits and going relentlessly towards a point where both can burn their fingers, one probably more than the other. It all began over the expulsion of 11 Lok Sabha members from parliament because they had accepted money for raising questions in the house. Through a sting operation, a TV network had shown them taking the bribe. The Lok Sabha Speaker, Somnath Chatterjee, constituted an all-party inquiry committee which recommended their expulsion. The Speaker implemented the decision to the public applause. For the first time, the prestige of parliament went up in the eyes of people.

The members, however,

knocked at the court's door. The conflict with parliament began when the Supreme Court referred the matter to a constitution bench to examine whether parliament had the powers to expel its members. The Supreme Court took all the care not to disturb the Speaker's sensitivity by observing that it was not concerned about "the merit of the case." Nor did the court give a stay which would have resulted in restoring the members' right to sit in the Lok Sabha. Still,

examining the extent to which parliament can go in punishing a member.

It is apparent that the Supreme Court has been quite circumspect in its brief order. "The notices to the respondents are to assist the court in adjudication of the matter." The words used are "to assist." There is not even a whiff of suggestion that the Speaker has been put in the dock. The order merely seeks his help to interpret the constitutional provision on the disqualifi-

not want to do so because the undefined territory is any day better and larger than the defined one.

But the big difference between the UK and India is that the former does not have a written constitution while the latter has. One depends on vague precedents and the other on cold provisions. Chatterjee's stand, however democratic and laudable, cannot be above the constitution which is supreme. The question is not about

that it was the final authority and let the journalist free.

In the days of Jawaharlal Nehru, there was a similar case in the Lok Sabha. A member was caught taking the bribe for asking question in the house. Before the resolution to expel him was adopted, he resigned. At that time, the question had taken the shape of morality, whether such a thing behoved a member and parliament. This was probably because the ethos of independence struggle denoting

has ordered not to defreeze the Rs 20 crore accounts of Ottavio Quattrocchi in London banks. Defence Minister Pranab Mukherjee argues on behalf of the government that India has no jurisdiction over foreign banks. This remark is meant to scoff at the Supreme Court. Of course, everyone knows what Mukherjee has said. The question that arises is why the government sent additional solicitor general to defreeze the account when the case against Quattrocchi was pending before the Delhi High Court.

More than that, when the Supreme Court directed the CBI on January 16 to ensure that Quattrocchi did not withdraw the money, the latter sends the order four days later. The British authorities went on saying that they were awaiting the Government of India's fresh request to "refreeze" the bank accounts. No authorisation was given to the Crown Prosecution Service to approach the British courts. Who is to blame? Surprisingly, Quattrocchi withdrew money on January 11 and it turns out that New Delhi knew about it. Why the CBI did not tell the court about it? It's more than a coincidence that a television network broke the story that very evening. Whoever gave it information made sure that Quattrocchi had withdrawn the "kickbacks." Any bets who could have done it?

Kuldip Nayyar is an eminent Indian columnist.

BETWEEN THE LINES

In the days of Jawaharlal Nehru, there was a similar case in the Lok Sabha. A member was caught taking the bribe for asking question in the house. Before the resolution to expel him was adopted, he resigned. At that time, the question had taken the shape of morality, whether such a thing behoved a member and parliament. This was probably because the ethos of independence struggle denoting high moral standards had not dimmed then. This time the constitutional aspect has come to the fore. None has mentioned the word, "moral."

the Speaker took umbrage to the Supreme Court's admission of the members' petition. The Speaker has said that his stand "remains the same." That is, "I cannot help anyone from going to court. But, according to me, the courts have no jurisdiction at all in the matter. Any order is not binding on me." I appreciate the Speaker's touchiness. Indeed, parliament, elected by people, is supreme. But a judicial review is the basic structure of the constitution. The case of expelled members does not relate to the question who has the last word - whether parliament or the Supreme Court. The point at issue is if the Supreme Court is correct in

the expelled members but that of the constitution's interpretation. This is the court's job. As far back as 1803, the US Supreme Court upheld in the *Marbury vs Madison* case that a judicial review is in order even after what the US Congress had decided. In India itself, there is one judgment by the Madhya Pradesh High Court which is in favour of the Speaker's stand and another by the Punjab and Haryana High Court that is against it. In 1957, a UP journalist was punished by the Allahabad High Court and all the 29 judges on the bench endorsed it. The right to appeal was also extinguished. However, the Supreme Court said

high moral standards had not dimmed then. This time the constitutional aspect has come to the fore. None has mentioned the word, "moral." I do not know what shape the crisis will take. But the Supreme Court has to carry out its job, however controversial and onerous. This is an issue which is bound to be raised in the years to come. It is better it is out of the way now. In no way should the prestige of the Supreme Court lessen. The manner in which the government has handled the Bofors guns scam, simmering for the last 20 years, does not indicate that New Delhi is conscious of the scant respect it has shown to the Supreme Court. It

TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR

Letters will only be considered if they carry the writer's full name, address and telephone number (if any). The identity of the writers will be protected. Letters must be limited to 300 words. All letters will be subject to editing.

BTRC or the morality police?

I glance through at least half a dozen newspapers daily. I have not seen a single letter of a guardian writing against the free calls. I have not seen or heard a single organisation of teachers or members of the civil society coming out in the press or in the street urging for the ban on free calls. Where the head of BTRC got the "demands from the guardians," I wonder. May I remind him that his elders must have urged in the same way many years back that watching Shuchitra-Uttam or Modhubala - Dilip Kumar on the silver screen would spoil him thoroughly. Yet, he might have sneaked into the movie houses and grew up to be a gentleman. At least, we did. If it were accepted today that free calls corrupt young people, tomorrow someone would suggest we stop 24 hours TV or why should we have music channel? There would be no end to the obscurantist demand once the liberals cave in. Air Cdr (Retd) Ishfaq Ilahi Choudhury, Park Road, Baridhara, Dhaka

Negligent doctors

Vigilance, reliability and excellence are among the many characteristics one desires in the physician they trust their well being to. As a person with multiple family members who have suffered cardiac attacks and were in need of emergency care I can tell you that diligence and accurate and careful treatment by the physicians have guaranteed speedy recovery of my near and dear ones. When we took my father to the hospital the doctors spent little to no time to find out if indeed he was having an attack. After they had concluded that it was the case they operated on his heart within hours. Because when it comes to the heart and attacks every minute is crucial for every minute wasted translates into heart muscle atrophy.

To hear that a cardiologist made a patient suffering from an attack take part in a stress test is not only alarming but also equally appalling.

ing. If doctors are not aware of the first steps to ensuring proper future health of their patients they should not practice at all. Medicine has become a form of business all around the world specially in Bangladesh but it is important that all physicians remember the oath they take and part of that oath is to at least do no harm. This particular physician in question has actually done harm and the top medical association of Bangladesh should question his ability. The BMA should make it their duty to keep quacks, which make the medical profession a complete joke, out of the field. Zeemat Z. Syed, UPS Deployment

Nazanin story
Nazanin, 17, was sentenced to death by hanging for defending herself against three rapists. A young girl who defended herself and her chastity against three male assailants, who

intended to kidnap and rape her, causing injury to one of them who later died in hospital was condemned to death by hanging in an Islamic court in Iran. Nazanin who has seen no more than 17 springs, all of which under the tyrannical rule of the Mullahs is now facing execution for trying to defend herself and her honour.

Nowhere in the world and under no law self defence is considered to be a crime, but in the apparently orthodox Iran if a woman does not resist rape she will be stoned as adulterer and if she does she will be hanged, as it seems.

Three criminal men assaulted Nazanin, in the city of Karaj while walking home in the midday last March (2005). To defend herself she pulled out a knife and stabbed one of her assailants. The knife penetrated the ribs of her attacker who later died in the hospital. The attacks on women in Iran are so frequent that many are forced to

carry a concealed weapon for self-defence. Unfortunately the Islamic law there does not even allow women the right to self-defence.

Despite the fact that she had been acting in self-defence, as shown by the evidences presented and the testimony of eyewitnesses, Nazanin was sentenced to death by hanging. In the last court hearing she told the judge "I only defended myself and the honour of my family". She repeated this several times. Her words fell on deaf ears and the all male jury perhaps thought it is outrageous for a woman to stand for her rights and defend her dignity and honour, swiftly ordered her execution.

Such travesty of justice in Islamic Republic of Iran is perhaps beyond description. Please do not allow this crime go unnoticed. This girl is an innocent flower in the hands of ferocious zealots. Do not allow them to nip her young life in the bud. Let us together

provoke an outcry so loud that the rulers in Iran can't ignore. Nonetheless it is our duty as humans not to remain silent. Rosaline Costa, Human Rights Advocate, Dhaka

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The idea of 'neo-cons'
In modern political science concepts, there is no generally accepted definition of the words 'neo-cons' which have widely been used in the western hemisphere since before the 9/11.

In the aftermath of the 9/11, the liberals and anti-war activists frequently used this term to mean explicitly the idea and actions of "ultra-conservatism" in the American politics specifically. Without arguments, one could put the meaning, what is meant by them, in a straight expression like -- "fundamental nationalism + fundamental religious-ethnicity + militarism = neo-cons". The term 'neo-con' does never mean something as "converted conserva-

Banani Chairman Road crossing
I am a student and an inhabitant of Uttara. I face lots of traffic jams everyday on the way to my classes from Uttara. I noticed that if Banani Chairman Road crossing is stopped then we can avoid such traffic problem. I hope everyone should check out this very seriously. I think it will be no problem if the crossing is stopped because anyone can go to any road via Banani Road No 11. So please look into this matter and save our time. Samiha Esha, Uttara, Dhaka