

New building code, what about the old one?

The real issue is compliance

THE alacrity with which parliament has passed a new bill empowering the government to formulate a new national building code in the aftermath of the Tejaon tragedy is to be commended. We welcome the initiative in response to public outcry over this week's horrendous building collapse, not to mention the huge potential for similar incidents in future.

It is common knowledge, that is contested by no one, that a very high percentage of buildings are currently constructed in violation of existing building codes. This has been mentioned in public by any number of government officials including the minister in-charge. Therefore there really should be very little obstacle to putting things right, and the efficacy of the response should stand as a test of the government's effectiveness.

However, there are one or two points that we would like to make at this stage. The first point is that there is already a construction code on the books, and so the problem is not only that existing laws need to be amended, but that the laws, either the ones in existence, or the new ones which are contemplated, must be enforced. As always in Bangladesh, absence of laws is not so much the problem as compliance with laws.

Be that as it may, we support the passage of new legislation in this matter. The existing law can certainly stand to be toughened, and drafting an amendment to the existing law will sharpen focus on the problems and hopefully lead to greater compliance.

One point that has been made by opposition is that there needs to be a provision to ensure that corrupt government officials, without whose collusion the laws could not be flouted, also be made liable. We second this proposal strongly.

Finally, we would like to ask, for all the advantages of a new bill, exactly what steps are being taken to address the issue of the thousands of unsafe buildings that have already been constructed in non-compliance with the existing code. A new bill for new buildings is all very well, but the government must turn its attention to the existing problem.

Ultimately, what is needed is accountability. Until monitoring of construction to ensure legal compliance is given top priority, and both those who flout the regulations and the officials who collude in this criminality are brought to book, tragedies such as this week's in Tejaon will continue to haunt us.

Farmers' SOS deserves immediate attention

The righteous indignation must be assuaged

THIS comes as a stupefying surprise. For two reasons: one, knowing fully well that boro crop being a huge fall-back component of food security must be raised through steady supply of inputs, the government has inexplicably allowed scarcity of fertiliser, diesel and electricity to mess up things there. Secondly, in an election year, why must the government be so impolitic as to earn the ire of countless boro farmers all over the country by giving them a raw deal. And, if under those circumstances, opposition political elements should take up the cause of the farmers as they have done in certain areas, out of a concern for them, or to secure political mileage over the party in power, they are only perhaps responding to their best political instincts.

It is extremely debilitating for the boro farmers in this peak cultivation season for this high yielding food crop that fertiliser, diesel and power supplies are in disarray, that too in a very convoluted, self-complicated crisis situation. They have barricaded highways impeding traffic, laid siege to Palli Bidyut Samities, agriculture extension units, UNO offices and staged other forms of demonstration in places demanding uninterrupted supplies of fuel, power and fertiliser.

As a result, clashes have been reported with physical wounds inflicted. A law and order breakdown seems imminent if the government fails to take adequate measures against public allegations of hoarding, corruption and collusion in respect of input supplies. Dealers are said to have connived with local officials to create an artificial crisis. Probes are underway, but we would much rather a high powered government team conducted these instead of leaving the matter to agriculture department. There must also be a satisfactory clarification about why the Bangladesh Chemical Industries Corporation (BCIC) is yet to allocate the full quantities of urea required to meet the season's demands of boro farmers.

The inaction at ACC and the needful



MUHAMMAD NURUL HUDA

WELL-meaning concerned citizens of our democratic polity are of the considered view that the much publicised Anti-corruption Commission (ACC) which came into existence in November 2004 amidst much expectation has attracted public and media attention more for its unfortunate inaction than the desired action. This is indeed frustrating for a society which pinned great hopes on the above organisation in dealing with the corruption scenario that has a debilitating impact on the governance environment. There is no denying that a very sensitive organisation like the ACC which is entrusted with an onerous and apparently thankless job should venture into the specifics of fighting the corruption disease after clearly setting and prioritising its task and that such preparation surely include framing rules and fixing working procedures before embarking upon the substantive job. However, conditions as obtaining on ground do not generate much hope that the organisation can suddenly gather pace and start delivering.

Doubts and apprehensions

Doubts expressed in the foregoing paragraph acquire relevance when one looks into media reports and editorial comments on the recently

We have to look beyond our nose and ensure the availability of the services of appropriately experienced and apolitical personnel to steer the independent commission. Enquiring and investigating illegal acquisition of wealth is no easy task in our all pervasive lax environment. There are few bold and knowledgeable people to draw inspiration from and emulate. Rewards for uprightness are few. Honest politicians known for their altruism may perhaps deliver.

concluded Asian Development Bank initiated meeting to reportedly activate the almost non-performing organisation. Although the Asian Development Bank (ADB) described the said meeting as roundtable discussion, the reality is that there was a definite agenda of such discussion to deliberate upon. The agenda included the organogram of the ACC, framing of necessary regulations for commission's working and selection and verification of personnel. The meeting discussed the ineffectiveness of the organisation with special references to the bottlenecks and required actions to tide over the stalemate. The government has given assurance that everything would be sorted out very soon although such optimism was expressed by the commission on several earlier occasions. The sad reality is that those assurances and promises of positive action did not materialise and the commission does not appear up and doing.

Divided House and the bottlenecks

Undeniably, there is a delicate in-house problem because in the first place a meeting like the one mentioned in the above paragraph, should have been held at the initiative and arrangement of the supposedly independent and high-flying organisation like the ACC. That the ACC still looks largely to the government for support and sustenance adds credibility to the cynic's obser-

vation that the commission has been a non-starter from the beginning. Upon close examination, one would find that such cynicism is not absolutely without any ground because in the meeting referred to above, the honourable finance minister not only disowned any responsibility of the government regarding the organisation's failure to perform, he also pointedly mentioned the lack of unanimity amongst the chairman and members of the commission as the sole causative factor of non-performance. He also cautioned that the commission has to prove its worth within a week. While such impractical wishes and near-disparaging remarks of the finance minister coupled with the garrulity and internal feud of the members of the ACC has amused the public, it has not done anything meaningful in steering a difficult path.

The question is, if the opposite views of the commission members alone are responsible for the inactivity, as has been given to understand? In what measure is the government responsible for the inaction? These are questions that need an answer without any further delay along with definite and visible actions for activating the organisation. In the aforementioned tripartite meeting of the ACC, the finance ministry and the ADB, the chairman of the commission has reportedly said that there was no feud in his organisation and that his outfit would be active soon and that he

would resign if he failed. However, the stark reality is that even after fourteen months of its creation, the commission members and the government have not been keen to add any strength to the organisation.

Some observers are of the considered view that the ACC was hurriedly created, mainly to meet the donor conditionality and to obtain the consequent financial assistance. They are of the opinion that on account of such desperation and indecent haste coupled with lack of sincerity on the part of the government, no thought was given to the aspects of organogram under changed circumstances and the framing of regulations to ensure the appropriate functioning of an independent and watchdog body. One has to remember that the erstwhile Bureau of Anti-Corruption (BAC) was a government outfit under the control of the Prime Minister's office. The commission cannot be expected to operate like any other government body as that would be self-defeating.

Performance and the imperatives

During the last fourteen months the commission has reportedly registered one criminal case. They have not been able to investigate any complaint and the pending enquiries and investigations carried over from the BAC period remain suspended. Reality on ground demands that the government must

shoulder the responsibility to make the commission effective. The commission, with active assistance from Cabinet Division and Ministry of Law, can frame the necessary law and regulations within a timeframe of one month, provided there is a serious commitment.

In so far as framing of rules or regulations is concerned, the normal drill is that the requiring ministry sends its proposal to the law ministry via the establishment division. At times, the concurrence of finance ministry or the ministry concerned is required depending on the nature of the proposed rule. When the opinion of all concerned have been obtained by the establishment division through the holding of required inter-ministerial meetings, the proposal for framing rule along with appropriate recommendation is sent to the Honourable President of the Republic for his assent. The President in exercise of his rule-making power as enjoined by the constitution gives his approval to the proposal. This is how a rule is made which is then published and notified in the gazette. For enacting a law, the requiring ministry has to send its proposal to the law ministry and after proper vetting from there the draft is placed before the cabinet for approval and onward transmission to the parliament to enact the legislation.

Since the ACC is not a government department, the cabinet division can render assistance to it for taking necessary steps towards the framing of rule or enactment of legislation. If necessary, there can be a presidential order for facilitating the administrative arrangement in this regard. There is no element of insurmountability in this regard as we have experienced personnel to help framing the rule or enacting legislation.

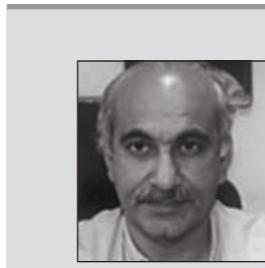
In so far as staffing of ACC is concerned, there cannot be a

wholesale rejection of the now defunct BAC personnel for pragmatic considerations. To be specific, we do not have a large pool of technically trained manpower to adequately man the posts of the commission. One has to remember that for properly enquiring and investigating the corruption cases, there is a need of upright investigating officers well-versed in substantive penal and procedural laws. Such officers must also have basic understanding of the fiscal and monetary concepts and an appreciation of tax laws, custom duties and other revenue matters in addition to a grasp of the basics of the economic interaction. Undoubtedly, such personnel are in short supply. Police officers who were a large part of the BAC outfit until early 1980's may not be welcome there for reasons better left unsaid but investigation with regard to criminal misappropriation, forgery and related malfeasance is still their turf. Magistrates may do enquiries but they cannot substitute for investigation. The erstwhile BAC was not a cohesive and well-knit body of investigators of its own. It was not their fault. The desired political direction was always lacking.

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Muhammad Nurul Huda is a former Secretary and IGP.

The peace of justice



M. J. AKBAR

IF there is justice there will be peace. Nine men from Baroda were sentenced to life imprisonment by a special court in Mumbai for a massacre of innocents (known as the Best Bakery case) during one of the most terrible communal riots in our history, the Gujarat carnage of 2002; and every Indian can declare with pride that he or she lives in a nation that has not only democracy, but something more: institutions of justice that deliver in matters of honour, truth, life, and death. A democracy is much more than counting votes once in five years. A democracy is about rights and wrongs each living day. The peace that democracy delivers, therefore, is a positive, creative, enhancing peace, not the peace of the graveyard that settles like a pall on nations condemned to dictatorship.

Democracy is about civil society and equality, of high courts as well as a scene I witnessed in a 7 a.m. Indian Airlines flight I took from Mumbai to Delhi on the morning of writing this column: an airhostess taking special care of an elderly Muslim man with a cap and a beard who was unsteady by age as he walked uncomfortably into the aircraft. He was not at all wealthy;

Anything goes. Delhi is the world's largest glasshouse: who shall throw the first stone? But there comes a moment when you no longer care whether the glasshouse remains intact or shatters. If that glasshouse is going to protect the killers at Best Bakery or the murderer of Jessica Lal, then it is time it got shattered into smithereens. Civil society rose in both instances. It threw stone after stone in the Best Bakery matter, rousing the conscience and the best instincts of the highest judiciary. It rose again in the matter of Jessica Lal, and the Delhi High Court has taken the initiative.

this could have been his first flight, perhaps taken for medical reasons. The airhostess gave him more help and attention than she offered anyone else. This is equality and civil society without prejudice in India. The Gujarat carnage is part of the truth; the airhostess is part of the larger truth. India is not secular because it is democratic. India is democratic because it is secular.

In a democracy, elections may be the court of first as well as last appeal, but there is so much space in between. Governments are unstable in a democracy, which is an excellent thing; but society is stable, which is even better. Governments are stable in a dictatorship, but society is unstable, constantly simmering under the pressure of a forced calm, and threatening to erupt at the slightest crack in the edifice. Those in power did everything they could to subvert justice in the Best Bakery case, using authority to try and undermine the judiciary and money to change the evidence. The police are a mighty force in India, and never mightier than when they attempt to become the law. Governments bullied and bribed witnesses who were poor and vulnerable: I would

not be too harsh on the poor and vulnerable, for we have very little idea of what constant, daily pressure by the police can mean. The important, and vital, point is that justice survived the malfeasance of the system; perhaps that is the only point. The courts were assisted by the dedication and sheer, determined obstinacy of civil society leaders like Teesta Setalvad, who refused to be defeated by the acquittal of the accused by a court in Gujarat, and went to the Supreme Court. One of those sentenced to life imprisonment, Sanjay Thakkar, begged for mercy once the judgment was announced. He once must have thought that his mentor, Gujarat chief minister Narendra Modi, would succeed in saving him from retribution. Thank God for Teesta Setalvad and the Supreme Court.

And thank God for a free media too. There were two judgments on the murder of Jessica Lal, in which the prime accused was a rich thug called Manu Sharma, son of a former minister of the Union government of India, no less, Vinod Sharma. There is little purchase in naming the political party to which

he belonged, for all parties are infected with this insolent, brutal Delhi plague. The facts are simple, and their simplicity itself is evidence of how Delhi's ruling elite believes that it can get away with murder after it has got away with theft. Jessica Lal, a model, was shot dead in public in a restaurant owned by Bina Ramani. It was a crime of power, wealth, corruption and arrogance: power was the means to wealth, wealth was the source of corruption, and corruption is the reason for this murderer's arrogance. The murderer took out a gun in full public view, shot Jessica dead and walked off. As simple as that. The case was widely reported. On February 21 additional sessions judge S.L. Bhayana acquitted Sharma. The judge was hapless if not helpless: he explained that the three key eyewitnesses had turned hostile.

The media delivered the second judgment on this case. It refused to accept the judicial verdict. One of the truths of Delhi is the fact that the police believe that they are employed not only to implement the law, but also to twist it according to their will. The media refused to let police get away with their lucrative

indolence in this case. Every newspaper gave headlines that accused the authorities of corruption. No editor, of print or audiovisual media, consulted anyone else. Each editor reached his or her own conclusion, and the conclusion was similar. The stench of corruption was too strong for even the most cynical nose.

This anger was not limited to the police. It was also addressed to the New Class that has become a running, cancerous sore of Delhi. It consists of rich, political or pseudo-political (by which I mean hangers-on of political progeny) thugs who are brimming with black money, and who are convinced that they are a phone call away from safety if they get into trouble. Their cars are a menace on the streets; their behaviour a menace to social life; their criminal side a menace to life. They are the middlemen of deals, the scum that has become obese thanks to cuts from the billions that are spent by the government each year in purchases. Their behaviour might have been funny were it not so deadly. Many of them actually behave like villains from the screen, flaunting their power as if there is no accountability in Delhi's ravenous jungle, and never will be. The media was also saying that Manu Sharma, a perfect example of this class, would not be permitted the luxury of indifference.

By Friday, the Delhi High Court had summoned the files of the Jessica Lal case from the Delhi police. This too was recognition of injustice.

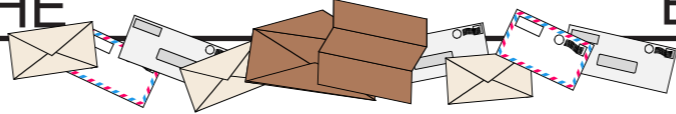
Standards change; yesterday's scandal becomes today's morality; we stop asking questions in the name of friendship, or in the hope of a good time; the culture of consumerism becomes the primal law; your

dress becomes your address. Sab chalta hai. Anything goes. Delhi is the world's largest glasshouse: who shall throw the first stone? But there comes a moment when you no longer care whether the glasshouse remains intact or shatters. If that glasshouse is going to protect the killers at Best Bakery or the murderer of Jessica Lal, then it is time it got shattered into smithereens. Civil society rose in both instances. It threw stone after stone in the Best Bakery matter, rousing the conscience and the best instincts of the highest judiciary. It rose again in the matter of Jessica Lal, and the Delhi High Court has taken the initiative. But one stone was not sufficient in Best Bakery; and one stone might be insufficient in the case of Jessica Lal as well. The establishment has a very very thick hide, thickened further by the belief that the public has a very very short memory. The establishment has an invaluable weapon in time. The media woke up in the immediate aftermath of injustice. How long will it remain awake when the files wend their slow way through the courts, impeded by procrastination and fudge? Eternal vigilance is the price of liberty etc, but how eternal is eternal? The Delhi High Court has asked Delhi's police commissioner to send a status report in four weeks and said it will hear the matter on April 19. Six weeks is a pretty long eternity in media terms. We will see if media has the tenacity of a Teesta Setalvad or not.

The dead do not return. But they will haunt us until there is justice.

MJ Akbar is Chief Editor of the Asian Age.

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.

Cartoon

I want to request everybody to realise the greatness of our Prophet (pbuh). Isn't he the person who went to visit the old woman who used to put thorns in the Prophet's path; and when she did not put that one day, the Prophet called at her house to enquire if she was alright. There are thousands of such examples in the Prophet's life that projected to mankind a religion that gives light, which teaches us to most restrain under extreme duress and to endure hardship until the last moment bearable. This is our religion, Islam. Now my plea to everyone, Muslim or non-Muslim, it is a cartoon that is being defended by the West for political reasons, but, are the violent reactions and destruction of property in keeping with the teachings of Islam which is a religion of peace?

Motiur Rahman

On e-mail

Fossil fuel &

alternatives

Fossil fuel or hydrocarbon resource is finite. One day it will be exhausted. Moreover, this material is now blamed for all the ills seen around us, from global warming to Iraq war. Iran wants to have viable alternatives in nuclear power but that also is not fully taken at face value by its critics. Do we see another carnage round the corner? Scientists are working hard to find other feasible sources for electricity and alternatives for gasoline, but it is said that use of fossil fuel will be of secondary importance only in the second half of this century.

Several countries have their own nuclear power plants and the prospect is good for those who can bear the cost. But environmental pollution in a poor country will not spare a rich country in the face global annihilation. Though at this time great bulk of pollution is coming from the rich countries. They do not even

care to sign the Kyoto Protocol and be bound by any restriction.

From all these experiences we see the quick solution in UN (or IAEA) owned nuclear power plants, which will be installed with soft loans from development financiers, and the cost realised by selling electricity to the consumers through large-scale electricity supplying companies (like PDB in Bangladesh). Countries agreeing to this arrangement will provide land (at rental value) and skilled and semi-skilled manpower. Control will be in UN hands so that weapon-grade radioactive materials are not produced. Nuclear power plants are safety sensitive which will be a hazard in most developing countries. Big investment will be another matter of concern in countries known for corrupt practices in project procurement.

MAH

On e-mail

Why hartal?

The day was 15th February 2006, the opposition parties had called hartal on that day. My college was scheduled to start the next day but my college uniform would not be ready before the 15th. So, after the hartal ended at 6:00 PM I went to the tailor shop (located in a posh mall) to pick up my uniform. To my dismay, I found that the mall had remained closed the entire day and had not opened even after the hartal had ended. Consequently, I missed college and a lot of things, which were covered that day. Now I am facing difficulty keeping up.

My question to the opposition is: how long will you torment people like me with pointless hartals like this? I am sure, people face worse problems than mine due to your mindless hartals. So please, for the sake of the public (who, I am sure, are frustrated like me with hartals), stop making us suffer like this.

A frustrated student

On e-mail

Biman grounded!

Recently we have seen many newspaper reports on how Biman Bangladesh Airlines has let us all down. Frankly speaking, the national carrier is a bit of an embarrassment in the ranks of international airlines. Anyone who has travelled on Biman will know that it lacks the capabilities and features that are present in the modern airlines. Biman is using planes that all other airlines of the planet have discarded over 20 years ago. No airline in the world will be seen flying a DC-10. Biman's interior features too are of poor quality. Most of the in-flight entertainment systems are run down. The only difference between first class and economy class seats are that the first class seats are a little bigger. Most airlines now provide personal viewing screens with multiple movie channels in the economy class seats.

The food on Biman flights is of

not so good quality either. Perhaps the only good thing about Biman is possibly some of its pilots. They have to be very good to keep those antiquated airplanes flying and making sure they landed safely.

What is even more surprising is that travelling in Biman is actually quite expensive compared to other airlines like Emirates and Qatar Airways. No wonder Biman keeps showing losses. The only time that Biman can actually carry its own expenses is when British Bangladeshis want to take a direct flight to Sylhet. It is time we either scrapped our national burden or gave it a major overhaul.

Azfar Khan

On e-mail

Classic Bangla songs

Lost anyone (especially the musical duo of Shakil and Kalpana Anam) misunderstands, my letter about the re-creation of classic Bangla songs bore no ill-motivated criticism

towards the singers' efforts. I do not consider myself knowledgeable enough to comment on the singing prowess of such accomplished artistes as them. However, I do agree with others that the selection of certain songs will always bring up the unfair comparison with the original renditions. More so, if the original artistes are of the calibre of Sabina Yasmin and Lata Mangeshkar. Having said that, what better way to pay tribute to these legendary artistes than to try to recapture their immortal work in a better and modern orchestration?

I would also encourage our recording industry to venture outside Bangladesh to market their products. Certainly, there is a wealth of musical talents in our country who, with the appropriate exposure, can follow the footsteps of some of the legends.

Dr. Niamul Quader

Toronto, Canada

Meteorite in

Thakurgaon

I have seen the news about the meteorite found in Thakurgaon. A meteorite is a magnificent piece of celestial material. There is a huge scientific value of this object. Young people see this wonderful piece of heavenly material and they begin to think about our earth and the universe. In the developed nations this kind of meteorites are preserved locally or nationally for scientific use. In the US you will see these meteorite in many places. We see that the leading countries in the world are also those that lead the world in the field of science & technology. Those countries are serious about scientific education. If we want to live with glory in the future we need to build up huge interest in scientific education. I urge the respective branches of the government to preserve the meteorite for the scientific education of our children.

Shahidul Akond

Phoenix, Arizona, USA