

# A people's victory and some unanswered questions

DR. BADIUL ALAM MAJUMDAR

YES, the brave people of Kansat won the government almost fully accepted their 14 demands and signed an agreement to that effect. According to the agreement, the families of each person killed will get Tk. 2 lac, one person with a serious eye injury will get Tk. 1 lac, ten seriously injured will receive Tk. 50,000 each, 100 severely injured will get Tk. 25,000 each, and another 600 will get Tk. 3,000 each. It is reported that the government has already allocated Tk. 83 lacs as compensation for all Kansat victims. In addition, a monument will be erected in memory of the dead, and all cases against the agitators will be withdrawn. Undoubtedly this was an extraordinary victory achieved with blood for the ordinary people of Kansat, and they deserve our congratulations.

Nevertheless, the Kansat victory raises some serious questions which need to be addressed if it is to come to fruition. Why did it happen? What factors contributed to the people's victory? Is the compensation enough? Who will bear the cost of compensation? The people of Kansat were apparently victorious, but will their problems be solved? We as a nation must fully understand the causes, consequences and implications of the whole episode and learn lessons from it if we are to avoid such tragedies in the future.

I believe that the lordly mindset of the ruling elite is primarily responsible for the Kansat incident. Enormous sacrifices were made to achieve independence. In an independent country, the people are the owners and "all powers in the Republic belong to the people." (Article 7 of the Bangladesh Constitution) Those holding state power are merely their elected representatives or are public servants, and they exercise powers on the people's behalf. Even though this is stipulated in our Constitution, the reality is very different. In fact, people's powers have been usurped/natched away by the interest groups. The employees of the Republic have become the administrators. The people's representatives have become their masters and the common people have become their compliant 'subjects' and recipients of their generosity. Common citizens are now viewed with derision as "flocks of sheep". The Kansat incident merely reflected this anti-people attitude of the elite holding the levers of state power.

This medieval attitude of being masters of the people is reflected in the prevailing strategy to use force/use the stick to calm things down. When people raise grievances in a democratic country, those in position of authority, and

their underlings, should listen and try to redress them. Unfortunately, democratic values have not taken root in the minds of our elected representatives. Hence, they do not shy away from flaunting their powers or from unleashing the law enforcement agencies against innocent citizens who express their unhappiness. That is what happened in Kansat.

This attitude of being overlords of the people is also widespread among the law enforcement officers. For example, after the dastardly incident of mistreatment of journalists by police in Chittagong a few weeks ago, the second officer of the Kamarkhand police station of Sirajganj district was reported to have boastfully said: "(Expletives deleted) the journalists do not know how much power the police has. The British had handed sticks to the police to beat people and that law, authorising beating, exists even today. Beating was done in Chittagong stadium under that law. What is the use of writing so much

the discounted value of the future flow of earnings. Had this procedure been used, the amount of compensation for each death would have been different.

Clearly, the demands of the people of Kansat were reasonable and legitimate, although they received bullets instead of electricity. The government also accepted the legitimacy of the demands by signing an agreement. The people of Kansat were ready to achieve their legitimate demands/demands related to their life and livelihood by sacrificing their lives. Undoubtedly, the mass upsurge happened because their demands were just and reasonable.

If leaders are honest and the people have confidence in them, followers generally show unconditional allegiance to them. Mr. Golam Rabbani, the leader of the Kansat upsurge, did not show his allegiance to any political party even though he and his colleagues were under tremendous pressure and were maligned by serious propaganda.

corrupt individuals, causing many government services to be in a pathetic condition. It goes without saying that the reasons for the recent shortage of fertilizers and diesel are similar to that of the power crisis.

In addition, the traditional bureaucratic system has become rather ineffective in our country because of patronage seeking and undue pressure by influence peddlers. The bureaucratic set up at the local level has almost broken down because of the undue interferences of the local ruling party Members of Parliament.

In an all-pervasive culture of corruption only those projects are formulated and implemented which the people in positions of authority, and their close associates, can illegally profit from. Power production has not significantly increased in the last few years probably because the vested interest groups did not see the prospect of unduly benefiting from them, as power generation projects are generally

deeply concerned and even scared. But the policymakers have no time to solve the day-to-day problems people face with respect to many essential services; they are not even interested in doing so. The leaders and their followers are mostly busy plundering. As a result, the common people have no place to go to with their complaints, and they are very angry. The Kansat experience shows that the angry "flocks of sheep" are beginning to wake up and protest. Those who are in power and those who are aspiring to power must ponder seriously about the anger of the masses with the present state of affairs.

Another thing that is clear from the experience of Kansat is that the common people have no confidence in any of the major political parties. That is why they threatened to oppose Mr. Rabbani if he decides to contest the coming parliament election from the Awami League or even from the BNP, even though the area is known to be a fortress of BNP. However, they will support him if he runs as an independent. It is thus clear that the people of Kansat think that the major political parties do not speak for them or look after their interests. They are particularly suspicious of the honesty of the politicians. Thus, an important priority of all the political parties must be to take initiatives to instill people's confidence in politicians and also overcome their own lordly mindset.

Finally, there is now a great debate going on in the country about the civil society and its role. In my view, the members of civil society are nonpartisan; they speak their conscience, they speak out against the deprivations of the common people, they fight for the rights of the underprivileged, they are not driven by business interests and they are not merely contractors for the donors to deliver specific services. Kansat Palli Bidyut Unnayan Sangram Parishad meets all the above criteria and is truly, in my judgment, a civil society institution. Only such civil society institutions, not the traditional voluntary organisations, are able to foment true people's movements like that of Kansat.

Dr. Badiul Alam Majumdar is Secretary SHUJAN, and Global Vice President and Country Director, The Hunger Project-Bangladesh.

**There is now a great debate going on in the country about the civil society and its role. In my view, the members of civil society are nonpartisan; they speak their conscience, they speak out against the deprivations of the common people, they fight for the rights of the underprivileged. Kansat Palli Bidyut Unnayan Sangram Parishad meets all the above criteria and is truly, in my judgment, a civil society institution. Only such civil society institutions, not the traditional voluntary organisations, are able to foment true people's movements.**

about it? Police are given a year-long training for beating. If you want to stop police beating, the law must be changed." Such attitude of impunity clearly make the law enforcement agencies stick-happy, if not trigger-happy.

The government has accepted the responsibility of the killings in Kansat and agreed to compensate the victims and their families. However, when a government accepts any responsibility the actual burden falls on the shoulders of the citizens. That is, the common people of the country will have to bear the burden of the compensation. But, why? The people did not do anything wrong. They did not kill any innocent people of Kansat. Why do they have to shoulder the responsibility? There must be people who are truly responsible for these 'wrongful' deaths and injuries. Thus, we demand impartial investigations to identify the real instigators of the Kansat killings and give them exemplary punishment. The real culprits must also be required to pay the compensation.

Furthermore, is Tk.2 lac compensation enough for a death? Is the value of a life so little? How was that amount determined? There are standard procedures for determining the level of compensation in cases of wrongful death, such as

As far as we know, they have not betrayed the cause of the people. More significantly, the leadership has shown tremendous courage and iron-clad determination. Personal honesty and the legitimacy of their demands were the source of their courage. Undoubtedly, the determination of the leadership gave the followers hope and confidence, and kept them going.

Even though the people of Kansat achieved the victory, it is unlikely that their problems will be solved in the near future. The lack of electricity is not the problem of the people of Kansat alone. This is a serious national issue. Shortage of supply relative to demand is the source of this problem. Thus, it is impossible to solve it locally. Furthermore, production of electricity cannot be drastically increased.

Many complex reasons lie behind the power shortage. However, the naked practice of patronage, partisan behaviour of the policymakers and corruption are the most important causes. Where patronage and partisan behaviour are rampant, the incompetent and corrupt win, because the competent and self-respecting persons do not normally indulge in sycophancy. Thus, many of our public institutions are now headed by dishonest and

financed by donors and they impose more stringent requirements of transparency. A few projects that have been implemented in the power sector in recent years are also subject to serious accusations of widespread corruption. Therefore, solving the problem of power shortage of the people of Kansat will require transparency and accountability in all government activities, and the removal of corruption, patronage and partisan practices in all public procurements, thus ensuring the rule of law, and above all, good governance. However, the cry for good governance in our country falls on deaf ears.

Clearly, the explosion of Kansat is not just a sudden accident. It is, in my view, the result of pent up unhappiness with the state of things, developed over a long period of time. Shortage of fertiliser, electricity and diesel has caused the farmers to suffer enormously. Power crisis is responsible for the closure of many small manufacturing units in rural areas. The price spiral of many necessities of life has caused enormous sufferings for the common people. They are disgusted with corruption at every step which makes their life difficult, and they want a solution for all these problems. In addition, burgeoning extremism has made many citizens

# Recipe for patriots

## CLOSEUP JAPAN

Whatever the reality might be, it seems beyond doubt that the genie of patriotic education has come out of the sealed bottle in Japan. As a result, in coming days as well, politicians will be seen debating fiercely on what recipe to be adopted so that Japanese children once again learn the virtue of, if not becoming "splendid Japanese", at least loving their own country without disturbing others.

MONZURUL HUQ writes from Tokyo

OUR world all of a sudden looks to be running short of patriots and politicians all over have taken it as one of their prime responsibilities to produce new patriots, as well as protect this already endangered specimen form total extinction. The Patriot Act patronised by the Neo-Conservative administration of the United States is a shining example of that sudden realisation. Patriots definitely need to be protected at any cost and a slight deviation from the principles of human rights and freedom of individual liberty should not be seen as a problem for the country, as in the long run the patriots are bound to bring back hefty dividends for the whole nation. Definitely when the country is in danger, it's the patriots who are to come forward and do whatever needs to be done to protect land, water and air from the pollutant influence of outsiders.

But is it something new that we are hearing these days? We don't have to hire HG Well's Time Machine to travel to a distant past to find evidences that what the politicians here and there are telling their people about the need to breed more patriots is in fact a practice that has been followed by them without any interruption from time immemorial. "Death is a master from Germany his eyes are blue" in this sad but beautiful line Paul Celan wonderfully described the destiny of a nation injected by heavy doses of patriotism. Adolf Hitler wanted each and every German to be a true patriot and implanted the message firmly in the heart of the German nation. The end result of that patriotic zeal, which Celan termed as the master from Germany, we all now know very well.

Japan too had gone through the same process of producing patriots ever since the Imperial Rescript on Education was promulgated by Emperor Meiji in October 1890, which called on students to sacrifice them courageously to the state, should emergency arise. Japanese textbooks on ethics of pre World War II period stressed further the need to become a true patriot by saying; "We who are born in such a precious country, who have over us such an august Imperial Family, and who, again, are the descendants of subjects who have bequeathed such beautiful customs, must become splendid Japanese and do our utmost for our empire."

Many obviously tried to become "splendid Japanese" when the

Imperial Japanese army started moving westward to Asian mainland. But the process, as we know, brought untold misery to many other Asians who had to pay the price of the patriotic education that Japanese leadership of the time patronised. For Japan too, the end result of patriotic fervour patronised by politicians and officials turned out to be a misery and the country had no other choice but to surrender unconditionally in August 1945. The road to narrow patriotism, as a result, is a risky one that seldom brings good to a nation. But politicians always seem to keep a blind eye on such a risk as this also might bring lucrative gain for them in the short term.

Hence, when the Supreme Command of the Allied Powers (SCAP) took over the responsibility of running the affairs of the state of Japan soon after the war, one of the first things it did was to replace the symbol of Japan's pre-World War II education system, the Imperial Rescript on Education, by a new code that would ease the heavy burden of patriotic education from the shoulders of school children. Thus, the Fundamental Law of Education was enacted in 1947.

But now, more than a hundred years after the promulgation of the Imperial Rescript on Education and more than sixty years after the bankruptcy of the Rescript was exposed with Japan's humiliating defeat in the war, politicians in Japan are again talking about the need for a guideline to teach children the virtues of patriotism. The cabinet in early May approved a bill to revise the Fundamental Law of Education that critics say will try to inject the dose of patriotism in children and could give the state more control over classrooms. The bill has now been submitted to the Diet and the ruling coalition wants its passage before the parliamentary session ends in mid-June.

The Fundamental Law of Education, as mentioned earlier, was enacted in 1947 to replace the Imperial Rescript on Education and since then it has never been revised. The Japanese Diet had just started deliberations on a bill to revise the law. A number of Liberal Democratic Party (LDP) lawmakers have criticised the existing law for what they termed as "distorting education" by placing undue emphasis on individualism and they want a direct reference to fostering a patriotic spirit, something similar to the Imperial Rescript, though not identical. But the ruling coalition is

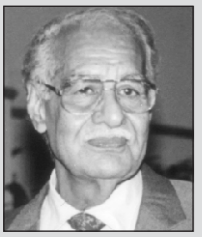
not united on the issue as the junior partner of the LDP, New Komei Party, intends to avoid any reference that would mean a direct call for such education.

The opposition parties, on the other hand, are concerned that even the ambiguous wording would also lead to patriotism being forced on children. The main opposition, Democratic Party of Japan, is in favour of a revision of the law, but wants the revision to concentrate solely on addressing the fundamental distortion in the education system, not on fanning patriotic zeal. The bill also has prompted concerns and questions from educators as well. Many are confused with the idea of teaching respect for Japan or the notion of love of nation or homeland. There is a wide ranging disagreement among teachers on how they are going to teach the virtue of loving one's own country. Many are not sure if the love for the nature, people and culture of one's own country might lead to the same narrow path that once led Japan to a virtual dead-end of extreme nationalism.

It is not yet clear if the bill would get through the current session of the Diet. Obviously time is running short for the ruling coalition and the Chief Cabinet Secretary, Shinzo Abe, said recently that the ruling block was not considering extending the Diet session. Prime Minister Junichiro Koizumi too repeatedly indicated he didn't have any plan to extend the session. This led to some believe that Koizumi might not be enthusiastic enough about the passage of the bill and he is probably more willing to leave the controversy surrounding the revision of the Fundamental Education Law to his successor to handle.

Whatever the reality might be, it seems beyond doubt that the genie of patriotic education has come out of the sealed bottle in Japan. As a result, in coming days as well, politicians will be seen debating fiercely on what recipe to be adopted so that Japanese children once again learn the virtue of, if not becoming "splendid Japanese", at least loving their own country without disturbing others.

# It's all about profit



KULDIP NAYYAR writes from New Delhi

POLITICAL parties are utilising parliament like the holy Ganges to purify their dirt and defrauds. They are framing laws to cover up their mistakes and, in the process, decreasing the level of morality in the country. And they are doing it purposely with the knowledge that their actions are depraving the society. They are not sensitive enough to assess the harm they are doing.

Take the Parliament (Prevention of Disqualification) Amendment Bill, 2006. It condones an MP for occupying the "office of profit". The legislation, in fact, exploits the constitutional provision (Article 102) which says that a member will not be disqualified if he or she holds an office of profit under the central or state government. What the constitution-makers had in mind was such appointments that required MPs to have the credentials that were not easily available elsewhere. It was meant to be an exception for the public good, not the booty to be distributed among politicians.

But both the central and the states have misused the constitutional provision to reward their ardent supporters in either house of parliament and the assemblies. True, members draw no salary but they enjoy all the facilities and perks as the ministers do. It is no secret that the ruling parties make appointments to keep their flock intact. Those who are not included in the council of ministers are "bought"

# BETWEEN THE LINES

I do not want to shame the political parties, particularly the Congress, by quoting Mahatma Gandhi and Jawaharlal Nehru who strongly believed that "wrong means will not lead to right results." The moral aspect of governance was central to their thoughts. They said the "contempt for what be called the moral and spiritual side of life not only ignores something that is basic in man but also deprives human behaviour of standards and values." The nation has to take up the gauntlet thrown down by political parties.

through chairmanship of corporations or such other assignments.

The legislation which parliament has passed exempts some 50 members. They include the Lok Sabha Speaker, Somnath Chatterjee and the leader of ruling United Progressive Alliance, Sonia Gandhi. Like the rest, they too probably feared disqualification because of the position they occupied in the name of office without profit. It is regrettable that Sonia Gandhi is going to head the National Advisory Council once again. This was primarily the office that made her resign the Lok Sabha seat. No doubt, parliament has declared the position as office of no profit. But can an illegal act become legal through the sanction of parliament? The judicial scrutiny is yet to take place.

Since the act is applicable retrospectively, the past sins have been washed away. All those who have occupied the "office of profit" retain their membership. Poor Jaya Bachchan has been a victim because her case went up to the Supreme Court which upheld the disqualification pronounced by the Election Commission. Vindictive as top Congress leadership is, it had a vicious clause included in the bill saying that even if the law court exempted a member, he or she could not be reinstated. In any case, after the Supreme Court ruling, Jaya Bachchan's membership could not have been revived.

The Parliament (Prevention of Disqualification) Amendment Bill is like a run-away marriage. It cannot get sanctity because parliament says so. Do members believe that if they put their stamp on anything illegal it becomes legal? Today the list of exempted MPs is of 50. Tomorrow, it could double or even treble. The states already play havoc with the constitutional provision. After the act, they may go haywire. It is no secret that the ruling party or the combination in power adjusts all the supporting members against one post or the other if they are not included in the cabinet. The assessment whether the "office of profit" is really so should be left to the Central Election Commission or law courts. Parliament should not poke its nose in every matter and by doing so it is only dwarfing its stature.

Take another law which parliament has passed. This is to legalise the unauthorised or illegal structures in Delhi. Chief Minister Shiela Dixit has gone on record as saying that she has saved the houses of MLAs from demolition. Did she do so in the case of jhuggis and jhonpris? Must the axe fall every time on the common man? The nexus between builders, bureaucrats and politicians has converted the capital into a concrete jungle. Even parks and green spots have not been spared. Both the Supreme Court and the Delhi High Court stand defeated because they had

authorised the demolition of unauthorised structures. The Supreme Court has accepted a petition against the new act although it has not given its judgment yet. Maybe, it will stick to its original verdict. As for Delhi government, one would like to know why it staged the drama of demolishing illegal buildings when its real purpose was to see them intact?

I do not want to shame the political parties, particularly the Congress, by quoting Mahatma Gandhi and Jawaharlal Nehru who strongly believed that "wrong means will not lead to right results." The moral aspect of governance was central to their thoughts. They said the "contempt for what be called the moral and spiritual side of life not only ignores something that is basic in man but also deprives human behaviour of standards and values."

Both the acts are immoral and wrong in content and purpose. The Congress and the Left have particularly brought down the dignity of parliament. A better behaviour was expected from them. Their methods were vitiated and so have been their ends. The BJP was seen keeping away from the bill on the office of profit. The party took pains to explain that its senior member V.K. Malhotra had resigned from the chairmanship of All India Council of Sports before the office of profit scandal came in public. I do not know if the party is as puritan in the

states as it has claimed to be in parliament. However, the BJP was in the forefront when it came to regularising the unauthorised structures in Delhi.

The two acts have raised many questions. One of them is the political parties' design to circumvent the court. What is still worse is the violation of the rule of law. That parliament should try to cover up the lawless laws is all the more disconcerting. I am sure that the laws, particularly the one relating to the office of profit, will be challenged in the Supreme Court, even at the expense of the usual attack by the political parties of "judicial activism." We should bow before the elected representatives. But by accepting what parliament has done, we may only be encouraging the effort to dilute the authority of law courts.

We have the shameful precedent of the emergency when the courts did not matter and when administrative procedures and conventions were subverted for the benefit of individuals. That was how dissent got smothered followed by a general erosion of democratic values. The nation has to take up the gauntlet thrown down by political parties.

Kuldip Nayyar is an eminent Indian columnist.

# Attack on garment factories Who benefits?

If today the workers have revolted, they are not benefited at all. The owners and also the government should think seriously about the workers' real condition and be a bit compassionate to them.

ROSALINE COSTA

IT is very easy to blame the garment workers who are poor, who do not have any backing, no political support (!) or education and legal knowledge about the rights of the workers or international standards of Labour Rights by ILO. On the other hand it is very easy for the owners of the garment industry to use the police against the workers, arrest the workers, beat them up by mastans and easily hire and fire them due to high rate of unemployment in the country. Just think as a sound minded person of a middle class society in Bangladesh how these garment workers lead their lives! Believing that without the owners no worker could get a job and one of the biggest problems of the country, unemployment, could not be solved without the owners' efforts, but can we say that owners could be 'owners' without the workers?

As a human rights activist and being involved with the workers' movement since mid 80s I have seen the snail-growth development in the lives and families of the huge number of garment workers. Very rare we see the politicians, government or lawmakers, civil society people expressing concerns about the hard life of the garment workers. Considering the high rise of the prices of the daily commodities and the unrest in every sector in Bangladesh for low salary, including the various government sectors, the garment workers have been too good up to now and too much patient. They are the ones that: (1) created a few thousand owners from millionaires to billionaires; (2) brought huge foreign currencies for the country and contributed to the national economy; (3) brought the country a good name and image for its economic growth when the owners and the government can claim that without this sector, the country would not be where it is now because after the country lost the jute products, the golden fibre of the country, RMG took the place of this lost image; (4) helped the owners to send their children for study outside the country; (5) created an opportunity to these owners to travel often outside the country. These owners have got their association (not as per the labour law of the country), but the workers were always prohibited to have their Union (which is their right as per the country law and also by ILO). Due to cheap labour the workers always accepted all the conditions that owners and their association imposed on them.

On the other hand, the lives of the workers became more miserable. There had been no or very little eco-

nomical development in their families, their children did not get opportunity to go to good school or may be no school at all. Their houses remained as they were 20 years ago. Most of the garment workers' condition did not change at all. They still live in slums in Dhaka or Chittagong. Every month the prices of daily commodities and the house rent are going high when the workers' salaries are not increased at all. On the contrary the workers don't get their salary on due date (few factories are exceptional where the workers get their salaries on due time and get also the overtime salaries as per the law). How much facilities do these workers get after 10-12 hours of hard work?

These workers are so punctual and so hard working, so faithful to their work that when I compare them with the government employees or bureaucrats, I say, if they could be 50 per cent punctual, hard-working and faithful to their work, the image of our country could be much better and we could have much better development. The government employees and bureaucrats, at the end of the month get their salaries and during the month many of them get opportunities to earn much more than what they get as salary. But do these huge number of more than 20 lakh garment workers have any extra income? They all have to depend on the salary they get from their owners. Is it human condition for the workers? Who think for them? Owners? Yes, owners think about a worker when she/he is not in the factory. The owners think to get work done on time and do not have any time to see whether the workers are sick or have any problem. In most factories the workers are treated badly. And when it is time to pay the salary to these workers who brought the owners huge money from each shipment, they forget the workers' interest and think of their's only. Is this human rights of the workers? Can the owners say that at the end of the month they ever thought about the real condition of the workers?

I feel sad when I think about the unbending minds of the owners and their association (not all owners are so hard but as members of the association they have to follow the same code, I suppose).

If today the workers have revolted, they are not benefited at all. The owners and also the government should think seriously about the workers' real condition and be a bit compassionate to them.

Rosaline Costa is a human rights advocate.